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THE

HISTORY

OF THE

UNITED STATES OF AMERICA.

BY RICHARD HILDRETH.

VOL. II.

Bayerische
Staatsbibliothek
München

NEW YORK:

HARPER & BROTHERS, PUBLISHERS,

329 & 331 PEARL STREET,

FRANKLIN SQUARE.

1863.

Hb 168 | 1641

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Discovery of the Continent

TO THE

ORGANIZATION OF GOVERNMENT UNDER THE FEDERAL CONSTITUTION.

1497—1789.

Revised Edition. = 08

IN THREE VOLUMES.

VOL. II.

COLONIAL, 1663—1773.

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1863. = 08

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HISTORY OF THE UNITED STATES.

CHAPTER XVI.

SETTLEMENT OF CAROLINA.

CHAPTER XVI.

EARLY in the reign of Charles I., about the time that Massachusetts Bay was settled, a tract of American territory south of the Chesapeake had been granted, by the name of *Carolana*, to Sir Robert Heath, the king's attorney general. He assigned to Lord Maltravers, presently, by his father's death, Earl of Surrey and Arundel, who sent a ship to examine the coast. But domestic affairs and the civil war in England soon entirely engrossed Lord Arundel's attention. The projected colony was neglected, and the grant was esteemed forfeit by non user. 1630.

Soon after the Restoration, the disposition to speculate in colonial enterprises again revived. Just before the grant to his brother of the province of New York, Charles II. erected out of the territory south of the Chesapeake the new province of CAROLINA, embracing the region from Albemarle Sound southward to the River St. John's, and westward to the Pacific. This vast province was conveyed to eight joint proprietors, including some of the king's principal courtiers—Clarendon, the prime minister; Monk, recently created Duke of Albemarle, the parliamentary general to whom Charles owed his restoration to the British thrones; Lord Ashley Cooper, afterward so 1663.

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1663. celebrated as Earl of Shaftesbury; Lord Berkeley and Sir George Carteret, steadfast and distinguished Loyalists during the late civil war—known also, in American history, as the proprietaries of New Jersey; Sir William Berkeley, brother of Lord Berkeley, and already familiar to us as governor of Virginia; Lord Craven, and Sir John Colleton.

March 23. A royal charter, principally copied from that of Maryland, erected Carolina into a county palatine, of which the eight grantees were made joint proprietaries, with rights of property in the soil, and of jurisdiction over the inhabitants, very much the same with those bestowed on Lord Baltimore. As in Maryland, an Assembly was secured to the freemen of the province. By a special clause, the first of the sort in any American charter, the proprietaries, "by reason of the remote distances of these places," might allow such liberty of religion as they chose.

Two or three years previously, some adventurers from New England had already planted a little colony near the mouth of Cape Fear River. In hopes to retain these settlers, and to attract others from the same quarter, the proprietaries of Carolina offered very liberal terms: a hundred acres of land for each free settler, or man servant, and fifty acres for each woman servant or slave, at a quit-rent of a halfpenny per acre; liberty of conscience; and the right to nominate thirteen persons, out of whom the proprietaries were to select a governor and six counselors; the authority to make laws to be vested in an assembly composed of the governor, the council, and a body of delegates to be elected for that purpose by the settlers. But the settlement at Cape Fear did not prove successful. The land in that vicinity was exceedingly barren. The neighboring Indians suspected the settlers of selling their children into slavery, under pretense of

sending them to New England to be educated, and on that ground they became hostile. The adventurers were discouraged; the greater part returned home; and those who remained fell into such distress, that contributions were presently taken up in Massachusetts for their relief. CHAPTER XVI. 1665. 1667.

That same adventurous Porey who first passed by land from the Potomac to the Patuxent was the first also who penetrated from Virginia in a southern direction toward Albemarle Sound, not known, however, by that name till long after. In the next forty years, other parties of Virginians from time to time followed up his explorations; and, shortly after the re-establishment of the Church of England in Virginia, some small settlements appear to have been formed on the banks of the Chowan by emigrant Dissenters from that colony. These settlements the proprietaries of Carolina supposed to be within their limits. The name of *Albemarle*, in honor of the duke, was given to this district—a name extended presently to the adjacent waters—and Sir William Berkeley, governor of Virginia and one of the Carolina proprietaries, was authorized, on behalf of his colleagues, to assume jurisdiction over it. He was told, however, in his instructions, that the proposals to the New England settlers at Cape Fear were "not intended for his meridian," where it was hoped to find "a more facile people." But Berkeley, who knew those people well, did not think it expedient to overstrain his authority. He appointed as governor one of the settlers, William Drummond, who subsequently returned to Virginia, and was executed, as we have seen, for his share in Bacon's rebellion. A council of six members was named by Berkeley; an Assembly was promised; and as no immediate demand was made for quit-rents, the settlers were sufficiently satisfied with these arrangements. 1622. 1664

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Some Barbadian planters, after examining the coast of Carolina, had entered into an agreement with the
1664. proprietaries for removing to the mouth of Cape Fear River. Sir John Yeamans, the leader of these adven-
1665. turers, appointed governor of the proposed settlement,
Jan. arrived from Barbadoes with a number of colonists, and this Barbadian settlement, called *Clarendon*, presently absorbed the New Englanders of Cape Fear, to whom Yeamans was instructed to be "very tender," in the hope still entertained of drawing others thither. The new settlers applied themselves to the manufacture of boards, shingles, and staves, to be shipped to the West Indies—to this day a chief staple of that region of pine forests and sandy plains. Yeamans governed with prudence; and, if the settlement did not flourish, it continued at least to exist.

Having become better acquainted with the geography of their province, the proprietaries of Carolina, in spite of some opposition from claimants under the old grant to
1665. Sir Robert Heath, obtained a second charter, which ex-
June. tended their limits half a degree to the north, so as to include the settlements on the Chowan. The northern limit of Carolina, as thus determined, stretching from the Atlantic across the Mississippi, forms, at this day, a boundary for six states of the Union, and the line, also, of the famous Missouri compromise. The southern limit of Carolina was carried, by this new charter, a degree and a half to the south, including within its nominal boundary the Spanish colony of St. Augustine, and, indeed, the whole of Florida except its peninsular extremity.

1667. By an additional grant, the group of the Bahamas was presently conveyed to the same proprietaries. The attempts formerly made to plant those islands having been broken up by the Spaniards, they still remained

uninhabited, favorite resorts of the buccaneers, whose exploits now began to make them famous. The Island of New Providence had a good harbor, very convenient for these visitors, but the arid soil was hardly such as to invite cultivation—an objection common to the whole group. CHAPTER XVI. 1667.

The infant settlement at Albemarle continued to receive accessions from Virginia. Others came from New England, and a colony of ship-builders arrived from the Bermudas, islands famous for fast-sailing vessels. Drummond was succeeded as governor by Stevens, under whom the first laws were enacted by an Assembly composed 1669. of the governor and council, with twelve delegates chosen by the settlers. As in Virginia, land was promised to all new comers. Immigrant debtors were to be protected for five years against suits on any cause of action originating out of the colony—a sort of legislation borrowed also from Virginia. Traffic with the Indians was prohibited to strangers. The governor and council acted as a court of justice, and were entitled, on every suit, to a fee of thirty pounds of tobacco. As there was no clergyman in the colony, they also performed the marriage ceremony.

By a solemn grant from the proprietaries, the settlers 1672. were presently confirmed in possession of their lands, and they also obtained the right of naming six counselors in addition to the six named by the proprietaries.

George Fox, the founder of the sect of Quakers, on his missionary tour through the American colonies, presently visited the settlement of Albemarle. There were already some Quakers there, and Fox's preaching made more. Thus Quakerism gained a strong and early hold upon these settlements on the Chowan.

The task of framing a general scheme of government

CHAPTER XVI.

1670.

for the province of Carolina had been intrusted by his fellow-proprietaries to Shaftesbury, who employed upon it his friend and protégé John Locke, afterward so celebrated for his metaphysical and political writings. Locke became, indeed, the chief expounder of the theoretical principles of the English Whigs, in opposition to the Tory system of the divine right of kings. According to his doctrine, compact is the true basis of government, and the protection of property its great end. His constitution for Carolina, called the "Grand Model," though nominally in force for near a quarter of a century, was but very partially carried into effect. It was, indeed, wholly impracticable in an infant colony. Yet, for the sake of its author, and because it continued for many years a bone of contention between the proprietaries and the colonists, it may be well to give a brief sketch of its provisions.

Carolina, by this scheme, was to be divided into counties, each containing about seven hundred and fifty square miles; the lands of each county to be laid out in forty divisions of twelve thousand acres each; eight of these divisions to be called seignories, eight to be called baronies, the remaining twenty-four to be known as colonies. The seignories were to be assigned unalienably, one to each of the eight proprietors, who would thus possess, as their private property, a fifth part of the province. This number of eight proprietors was to remain unchanged; and, after the close of the current century—by which time, it was hoped, the colony would be well established—proprietary rights were to be unalienable; any vacancy, by failure of heirs, to be filled up by vote of the survivors.

There were to be created for each county one landgrave and two caciques, in whom the eight baronies were

to be vested unalienably; the landgrave to have four, the caciques two each. This number of three nobles for each county was also to remain unalterable. During the current century the lands and dignities might be sold together, but after that period there were to be no more transfers; all vacancies to be filled by appointment of the proprietaries. CHAPTER XVI. 1670

The twenty-four colonies in each county were to be apportioned among private freeholders; but any quantity not more than a colony nor less than a quarter colony, if held by a single proprietor, was entitled to be erected into a manor.

Seignories, baronies, and manors were to be cultivated by a race of hereditary tenants attached to the soil, to have farms of ten acres each, paying as rent one eighth of the produce; and over these tenants the lords of manors, baronies, and seignories were to exercise jurisdiction, in manorial courts, without appeal. This arrangement has been sneered at by some of our very democratic historians as indicating Locke's imperfect political theory, but surely it will bear a most favorable comparison with the actually existing system of republican South Carolina.

While the rights of the great body of the inhabitants were thus summarily disposed of, a very complicated system of government was established for the benefit of the few nobles and freeholders. Besides the court of proprietors, invested with supreme executive authority, over which the oldest proprietary was to preside, with the title of palatine, there were to be seven other courts, each presided over by one of the other seven proprietors, with the titles respectively of admiral, chamberlain, chancellor, constable, chief justice, high steward, and treasurer. Besides the president, each of these courts was to have

CHAPTER XVI.

1670.

six counselors appointed for life, of whom at least four were to be nobles. The admiral's court was to have cognizance of shipping and trade; the chamberlain's, of pedigrees, festivals, sports, and ceremonies; the chancellor's, of state affairs and license of printing; the constable's, of war; the chief justice's, of ordinary judicial questions; the high steward's, of public works; the treasurer's, of finance.

All these courts united were to compose a grand council of fifty members, in which was vested exclusively the right of proposing laws, to be submitted, however, for approval or rejection, to a parliament of four estates, proprietors, landgraves, caciques, and commoners.

The four estates composing the Parliament were to sit as one chamber, each proprietor, landgrave, and cacique being personally entitled to a seat in it, but the proprietors, if they chose, to sit by deputy. Besides the nobles and proprietors sitting in their own right, there were to be four representatives of the commons from each county. But the possession of five hundred acres of land was necessary to qualify for a seat; and none could vote in the election who had less than fifty acres. Sessions were to be biennial. The proprietaries, in their separate court, were to have a veto upon all acts.

The twenty-four colonies in each county were to be arranged in four precincts. Each precinct was to have a local court, whence appeals were to lie to the court of the chief justice. Juries were to decide by a majority. To plead for money or reward in any court was denounced as "base and vile." None could be freemen who did not acknowledge a God and the obligation of public worship. The Church of England was to be supported at the public expense—a provision inserted by the pro-

prietaries against the opinion of Locke, who wished to put all sects on the same footing. Any seven freemen, however, might form a church or religious society, to be recognized and tolerated, provided its members admitted the rightfulness of oaths—a provision which excluded Quakers. By another provision, "every freeman of Carolina shall have absolute power and authority over his negro slaves, of what opinion and religion soever." CHAPTER XVI. 1670.

This complicated scheme, including and even exaggerating some of the worst features of the feudal system, was intended, so the preamble declared, "to avoid the erecting of a numerous democracy," and to establish a government "agreeable to monarchy." Already, before its formal ratification, three vessels, fitted out with emigrants, at an expense to the proprietaries of £12,000, had sailed from England under the command of William Sayle, a military officer, who, some twenty years before, had been engaged in attempts to plant a colony in the Bahamas, and who had been more recently employed by the proprietaries of Carolina in exploring the coasts of their province. Joseph West went with this company as commercial agent for the proprietaries, authorized to supply the settlers with provisions and tools, and to receive in payment peltry, beeswax, and agricultural produce generally—a speculation which imposed in the end a heavy loss on the proprietaries. This new settlement was to be known as the county of *Carteret*. Every settler was to be entitled to a hundred and fifty acres of land. March 1. Jan.

The vessels of this expedition, touching at Barbadoes on their way, came to anchor in the harbor of Port Royal, on whose shores were yet visible some traces of the fort erected by the Huguenots a hundred years before. The name of this fort was preserved in that of the province,

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though the proprietors, perhaps, intended also a compliment to Charles II.

1670. The settlers in a short time removed from Port Royal to a peninsula between two rivers, which, in honor of Shaftesbury, they called the Ashley and the Cooper; and on the neck of that peninsula they planted a settlement which they called *Charleston*, several miles above the site of the city at present so named.

1671. Sayle soon died, and West was appointed by the council to succeed him. But the proprietaries preferred Yeamans, governor of Clarendon, which seems henceforth to have been annexed to Carteret. Locke had been rewarded for his legislative labors by the title of landgrave, and the four baronies appertaining to it. As there were now three counties, the dignity of landgrave was also bestowed on Governor Yeamans and James Carteret. By the death of Albemarle, Lord Berkeley had become palatine.

The colonists had with them a rough draft of the "Grand Model," but their infant settlement demanded a simpler system. The government was intrusted to a council of ten members, five nominated by the proprietors, and five chosen by the colonists, to be joined for legislative purposes by an assembly of twenty delegates.

1772. Subsequently, however, the council was composed of seven persons, one specially delegated by each of the proprietaries, the governor being the delegate and representative of the palatine.

Two ship-loads of Dutch emigrants presently arrived from New York, discontented with the English rule in that province. Yeamans brought a number of slaves from Barbadoes. Some accessions also came from England; but these immigrants had to encounter the usual difficulties of a first settlement. Notwithstanding a recent treaty between England and Spain, by which a reg-

ular peace in the American seas, and a mutual recogni- CHAPTER XVI.
tion of their respective American possessions was now
first established, there were great apprehensions of attack 1672.
from St. Augustine. The settlers quarreled, also, with the neighboring Indians, clans of the Catawbas, few in number, yet numerous enough to be objects of dread. European grain did not succeed in that warm climate. The colonists were threatened with famine, and a plan, in which even Culpepper, the surveyor general of the colony, took part, was formed for compelling the governor to abandon the settlement. Yeamans, however, maintained his authority. He dispatched a sloop to Barbadoes and another to Virginia for provisions. A seasonable supply also came from England, whither Culpepper was sent to answer for his conduct. Things presently assumed a more prosperous appearance; but the proprietaries complained that Yeamans was chiefly intent on his own private interest, in shipments to Barbadoes of provisions bought at low prices of the poor planters, clothed, meanwhile, without any thought of payment or return, out of the proprietaries' store. They still continued a supply of goods, their aim being "not the profits of merchants, but the encouragement of landlords." They refused, however, to furnish cattle, as they desired "to have planters there, not graziers."

Owing to dissatisfaction with his conduct, Yeamans's
commission was recalled, and West was appointed govern- 1674
or, being, at the same time, created a landgrave. As an inducement to continue in office, the proprietaries presently assigned to him, by way of salary, their claims to a 1677
large amount for advances made to the colonists, which came now to a final stop. The original settlement of old Charleston began to find a competitor in a new village which sprung up at the seaward end of the peninsula,

CHAPTER XVI.

at the point of junction of the two rivers. To this new village the name of Charleston was presently transfer-
1680. red, and it grew by degrees to be a flourishing town, while its more ancient rival dwindled away and disappeared.

West's anxiety to keep well with the settlers made him negligent of instructions from the proprietaries.
1683. He was superseded, in consequence, by Joseph Moreton, created a landgrave, and connected by marriage with Joseph Blake, brother and heir of the celebrated admiral of that name, a wealthy and zealous Presbyterian, a recent emigrant to Carolina, with a number of Nonconformist followers. The counselors, most of them high churchmen and partisans of West, proved quite unmanageable. Moreton resigned, and West was temporarily
1684. reinstated by the council. Richard Kyrle, sent from England by the proprietaries, died shortly after his arrival, and West, by the choice of the council, was a second time reinstated. Robert Quarry was then sent from England; but he did not give satisfaction, and the proprie-
1685. taries finally persuaded Moreton to resume the office of governor. In six years it had changed hands five times.

The population, meanwhile, continued to increase. Churchmen came from England to better their fortunes in a province where their church was established by law. Dissenters came also to enjoy a toleration authorized by the charter of Carolina, though not allowed at home. Unfortunately, both parties brought with them those fierce religious hatreds with which the mother country was at that time distracted. A ship-load of foreign
1679. Protestants was sent out by Charles II. to introduce the culture of the grape and the olive, and the breeding of silk-worms—branches of industry thought to be especially adapted to the climate. Some Dutch and Germans came also on their own account. A few Presby-

terian settlers came from the north of Ireland. A little Scotch colony, led by Lord Cardross, a Presbyterian nobleman, involved on religious accounts in trouble at home, established themselves at Port Royal. After the revocation of the Edict of Nantes, of the numerous Huguenots who migrated to America, a large number settled in South Carolina, especially along the banks of the Santee, thus partially realizing, under English protection, the early schemes of Huguenot colonization. CHAPTER XVI. 1684

As the population increased, difficulties with the proprietaries increased also. Even their own deputies in the council were not always faithful to their interests and instructions. To the "temporary laws" which they sent out, the colonists were little inclined to assent. With the usual wrong-headedness of party spirit, they seem to have made it a point to reject and oppose every thing which came from that quarter, no matter how beneficial, reasonable, or just. In spite of repeated commands and remonstrances, they persisted in a partisan war with the neighboring Indians, as a pretense for kidnapping and selling them in the West Indies as slaves. One of the chief charges against West was that he connived at this "barbarous practice." The Assembly passed an act for the observance of the Sabbath and the suppression of profaneness, but refused to enforce the collection of debts contracted out of the province, in which, indeed, they did but follow the examples of Virginia and Maryland. They had also a great horror of the payment of quit-rents. The inhabitants of Charleston and its vicinity opposed and defeated the division of the colony into election districts, insisting that all the members of Assembly should be elected at Charleston—a practice introduced at the commencement of the colony, but which the extension of settlements made unjust and in-

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convenient. The southern portion of the province, by a new division, had been arranged into three counties: Colleton, including the district about Port Royal; Berkeley, embracing Charleston and vicinity; and Craven, the district toward Cape Fear; but Berkeley alone was so populous as to have a county court.

1682.

Notwithstanding the recent treaty with Spain, by which the buccaneers lost all pretense of protection from the British flag, there was a strong disposition on the part of the Carolina settlers to give them aid and countenance. These remarkable freebooters, a mixture of French, English, and Dutch, consisted originally of adventurers in the West India seas, whose establishments the Spaniards had broken up. Some fifty or sixty years before, cotemporaneously with the English and French settlements on the Caribbee Islands, they had commenced as occasional cruisers on a small scale against the Spaniards, often in small boats, in the intervals of the planting season. During the long war between France and Spain, from 1635 to 1660, they had obtained commissions to cruise against Spanish commerce principally from the governors of the French West India Islands. Almost any thing, indeed, in the shape of a commission was enough to serve their purpose. As an offset to that Spanish arrogance which had claimed to exclude all other nations from the West India seas, the Spanish commerce in those seas was regarded by all other nations, even during peace in Europe, as fair plunder. The number and the means of the buccaneers gradually increased. The unquiet spirits of all countries resorted to them. Issuing from their strong holds, the Island of Tortuga, on the west coast of St. Domingo, and Port Royal, in Jamaica, they committed such audacious and successful robberies on the Spanish-American cities as to win

almost the honors of legitimate heroes. They were countenanced for a time by France and England; one of their leaders was appointed governor of Jamaica, and another was knighted by Charles II. To the policy of putting an end to these piracies the Carolinians did not very readily accede. Even Governor Quarry connived at their visits to Charleston, and, on that ground, had been superseded. 1684.

The Carolinians also claimed the right to levy war by their own authority against the Spaniards of St. Augustine, who had been provoked by their aggressions, and the shelter afforded to the buccaneers, to break up the settlement at Port Royal. The Assembly, after passing an act to raise men and money to invade Florida, was induced, by the remonstrances of the proprietaries, to desist; but the mutual hatred and dread of each other, between the Carolinians and the Spaniards, was not so easily suppressed. 1686.

In Albemarle, or North Carolina—of which the population now amounted to about four thousand persons, producing annually eight hundred thousand pounds of tobacco, a produce more considerable than South Carolina could boast—the authority of the proprietaries was still less respected. On the death of Stevens, the Assembly, under a power vested in them to make temporary appointments in such cases, elected Cartwright, their speaker, as governor. After a two years' dispute as to the extent of his authority, he sailed for England, accompanied, on behalf of the Assembly, by Eastchurch, his successor as speaker, to lay the matter before the proprietaries. In the course of the late disputes, one Millar had been arrested on a charge of sedition, and sent to Sir William Berkeley for trial, under the idea that, in his character of proprietary, he had some juris- 1674. 1676.

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diction in the case. This Millar, now in England in search of redress, was appointed, by way of compensa-

1676. tion, secretary of the colony, the office of governor being given to Eastchurch. Millar was also appointed, by the Commissioners for the Customs, to collect the duties, then recently imposed, on "enumerated articles" shipped from one colony to another. These duties, payable at Albemarle, were considerable, the commerce of that settlement being engrossed by New England traders, who supplied the colonists with rum and other more useful articles, taking their tobacco in return. There was, indeed, no direct trade between England and Albemarle.

The new appointees set sail together; but while Eastchurch stopped in the West Indies, attracted by the charms of a rich widow, Millar, commissioned as pres-

1677. ident of the council, proceeded, meanwhile, to the col-

July. ony. Entering upon the discharge of his various offices, he compelled a collector, previously appointed by the Assembly, to refund customs to the amount of £3000. But his strict execution of the laws of trade, and some extravagant acts in his character as president, soon made him unpopular, of which advantage was taken to organize an insurrection, headed by Gillam and Culpepper, the one the New England owner of a vessel trading to Albemarle, the other that same surveyor whom Yeamans, governor of the southern colony, had sent to England a few years before on a charge of sedition, but who, it seems, had found his way to North Carolina. By

Dec. these insurgents Millar was imprisoned, with seven of his council. A new Assembly appointed Culpepper collector, assumed the government, and even refused, when Eastchurch arrived, to acknowledge his author-

1678. ity. Eastchurch sent to Virginia for assistance, but died

shortly after; and Culpepper and his party, more for- CHAPTER XVI.
tunate than their cotemporary insurgents in Virginia
and Maryland, remained for two years in the undisturbed 1678
control of the colony. Presently Millar escaped from
custody, and went to England with his complaints, fol- 1680.
lowed, however, by Culpepper, who seems to have had
little difficulty in arranging matters with the proprie-
taries. But just as he was on board ship about to re-
turn, he was seized on a warrant from the Privy Coun-
cil, no doubt at Millar's instigation, charged with trea-
son in collecting the king's revenue without authority;
on which charge he was tried under a statute of Henry
VIII. authorizing trials in England for treasons com-
mitted out of the realm. Shaftesbury, then at the height
of popularity and influence, appeared in his defense; and
on the ground that the proceedings in which Culpepper
had figured ought to be regarded, not as treason against
the king, but merely as a feud among the planters, in
spite of the opinion of the judges to the contrary, an ac-
quittal was obtained. The proprietaries promised their
assent to an act of indemnity, on condition that the
"king's dues," the parliamentary duties on "enumerated
articles," should be regularly paid; and Seth Sothel,
lately become a proprietary by the purchase of Lord
Clarendon's share, was appointed governor. On his pas-
sage to America the new governor was captured by the
Algerines, but was presently ransomed, and again sailed
for Albemarle. Meanwhile the government was carried
on by a temporary administration, not without some dis-
orders, which Sothel's arrival and conduct of affairs in 1683.
no respect tended to allay. He was accused of many
acts of extortion in exacting exorbitant fees; and, in the
course of five years, made himself so thoroughly unpop- 1688.
ular, that finally he was deposed by the Assembly, ban-

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ished for twelve months, and compelled to abjure the government forever.

1685. The proprietaries of Carolina were very anxious to conciliate James II., who regarded all charters with a jealous eye; and when presently a royal custom-house was established at Charleston, they sent strict orders for the enforcement of the acts of trade. The colonists, not less obstinate than those of New England, set up the charter as exempting them from the operation of those acts, and put every possible obstacle in the way of their enforcement. The king, in consequence, presently ordered a *Quo Warranto* to issue against the proprietaries, the effects of which they evaded by proposing a treaty of surrender.

Amid the contending factions of the colony, Governor Moreton found the administration no easy matter. Aft-

1686. er a few months he was superseded by James Colleton, brother of one of the proprietaries, who, like the former governors, was appointed a landgrave, and whose accession, it was hoped, would give dignity and stability to the office. But in this hope the proprietaries were entirely disappointed. The Assembly denied the authen-

Nov. ticity of a full copy of the "Grand Model," laid before them for the first time by the new governor. They refused to acknowledge its binding force, preferring the rough draft brought out by the first colony, which alone, they insisted, had been acccpted by the freemen. The more refractory members being expelled, they protested against all further acts of the Assembly as illegal. To

1687. a new Assembly, presently summoned, the freemen chose "such members as engaged to oppose the governor in all things." This Assembly drew up a body of "fundamental laws," as a substitute for the "Grand Model," but to these the proprietors refused their assent. When

Colleton attempted to enforce the collection of quit-rents, the Assembly imprisoned the secretary of the province, seized the public records, and set the governor at defiance. As a last effort to recover his authority, under pretense of danger from the Spaniards and Indians, Colleton proclaimed martial law, and called out the militia; but this very militia was composed of his opponents. CHAPTER XVI. 1688. 1689.

In the midst of these ferments, Seth Sothel, lately banished from Albemarle, made his appearance at Charleston. He put himself at the head of the opposition, and in his character of proprietary claimed the office of governor. A new Assembly was called; Colleton was deposed and banished; and Sothel was installed in his place. 1690.

Amid all these turbulences, Carolina had continued to make a steady progress, and both the northern and the southern settlements were now firmly planted.

CHAPTER XVII.

PROVINCES OF NEW YORK, NEW JERSEY, AND PENNSYLVANIA.

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BY authority of the commissioners to whom the conquest of New Netherland had been intrusted, the question of boundary between the two newly-constituted provinces

1664. Nov. 30. of New York and Connecticut was speedily decided. On the main land the boundary was to be a line north-northwest from tide-water in the Mamaroneck to the southern limit of Massachusetts. But, instead of running twenty miles east of the Hudson, and parallel to it, as the commissioners were led to suppose, such a line would have crossed the Hudson in the Highlands, thus deeply indenting the territory of New York. On that ground this settlement was soon declared invalid by the very commissioners who had made it, and a renewed dispute continued to keep alive, between the inhabitants of Connecticut and New York, that distrust and dislike to which a long series of early aggressions from New England had originally given occasion. To New York was assigned the whole of Long Island. Massachusetts also lost, for a while, the islands of Nantucket and Martha's Vineyard, of which the temporary transfer to New York is still commemorated in the name of Duke's county.

1665. March 1. At a general meeting held at Hempstead, on Long Island, attended by deputies from all the towns, Governor Nichols presently published, on his own and the duke's authority, a body of laws for the government of the new province, alphabetically arranged, collated, and digested,

"out of the several laws now in force in his majesty's American colonies and plantations," exhibiting, indeed, many traces of Connecticut and Massachusetts legislation. Each township was authorized to choose, as local magistrates, eight, presently reduced to four, "overseers," to hold office for two years, half to go out annually. A constable was also to be chosen annually from among those overseers whose term of office was completed. The constable and overseers together constituted a town council, authorized to make town by-laws. They were also required to prepare a list or valuation of all the male inhabitants, sixteen years old and upward, every person or poll to be rated at £18, every cow at £5, every horse at £12, and so on, according to which list were to be collected all taxes, both those imposed by the governor and council for general purposes, and those which the overseers were themselves authorized to raise for building churches, maintenance for the minister, provision for the poor, and other local objects. Public rates were payable in wheat at five shillings, rye and pease at four shillings, Indian corn at three shillings, oats at two and sixpence the bushel, beef at threepence, and pork at fourpence the pound; "and no other payment shall be allowed of." The New England standard was presently adopted, the value of the dollar being fixed at six shillings.

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There was to be a church in every town sufficient to accommodate two hundred persons. "To prevent scandalous and ignorant pretenders to the ministry from intruding themselves as teachers," no minister was to be admitted to office who did not produce testimonials to the governor of ordination by "some Protestant bishop or minister within some part of his majesty's dominions, or the dominion of some foreign prince of the Protestant religion;" upon which testimony the governor "shall induct the said

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minister into the parish that shall make presentation of him, as duly elected by the major part of the inhabitants, householders." The minister was required to preach every Sunday; to pray for the king, queen, Duke of York, and the royal family; and to publicly administer the sacrament of the Lord's Supper once every year at least; but no person of scandalous or vicious life was entitled to admission to it, unless he had first "given satisfaction" to the minister. No minister could refuse the sacrament of baptism to the children of Christian parents, under penalty of loss of preferment. Sundays were not to be profaned by travelers, laborers, or vicious persons. No person who professed Christianity was to be molested, fined, or imprisoned for differing in judgment in matters of religion. All, however, must contribute to the support of the regular minister, "which is no way judged to be an infringement of the liberty of conscience."

The town overseers, with the constable, constituted a local court for the trial of all cases under the value of £5, with an appeal to the Court of Sessions, to consist of the justices of the peace for each county. From the judgment of the Sessions an appeal lay to the Court of Assize, held by the governor, council, and justices, by which court, also, additions to the laws were from time to time promulgated. In all suits at law a reference was to be recommended to the parties. Trials were to be by juries of twelve in the Court of Assize, of six or seven in the Sessions, but in the town courts without a jury. Verdicts were to be determined by a majority, except in capital cases, where unanimity was required. The jurymen were to be selected from among the overseers of the towns; and, by a provision borrowed from the Fundamentals of Massachusetts, when not clear in their judgments, they might advise in open court, but not other-

wise, "with any particular man upon the bench, or any other whom they shall think fit to resolve and direct them before they give their verdict." The bench was briefly to sum up the evidence by way of information to the jury. CHAPTER XVII. 1665

The capital offenses, eleven in number—denial of God and his attributes, premeditated murder, murder with sword or dagger on an unarmed man, poisoning or guileful murder, two offenses of uncleanness, man-stealing, perjury in a capital case, and two offenses of treason—were borrowed, with some modifications, from the Massachusetts code, leaving out, however, idolatry, witchcraft, adultery, rape, and rebellious stubbornness in children, punishable with death in that colony. Arson constituted a twelfth capital offense, but the punishment might be remitted if full compensation were made. Theft was punishable with whipping and fine. Where no special punishment was provided, the case was to be sent up to the Court of Assize, to be decided according to their discretion, but "not contrary to the known law of England." That court also had jurisdiction of matters of equity.

Each town was to have its military company. All males above sixteen were to be taught four times a year "in the comely handling and ready use of their arms in all postures of war," the officers to be nominated by the overseers and commissioned by the governor. There were to be annual county musters, and a general muster once in two years. The governor was authorized to call out the militia to suppress insurrection and invasion. He might raise volunteers for the assistance of the other neighboring provinces; but no man could be compelled to bear arms or wage war beyond the bounds of the province.

All town officers might be displaced by warrant of the overnor and council for neglect of duties or other "no-

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torious misdemeanor," the vacancy to be filled by a new appointment or election.

1665. "No *Christian* shall be kept in bond slavery, villanage, or captivity, except such who shall be judged thereunto by authority, or such as willingly have sold or shall sell themselves," in which case a record of such servitude shall be entered in the Court of Sessions, "held for that jurisdiction where the master shall inhabit." This provision, borrowed, with some modifications, from the "Massachusetts Fundamentals," did not exempt heathen negroes and Indians from slavery, nor was it to operate to the prejudice of any "who shall by any indenture take apprentices for term of years, or other servants for term of years or life." Under a provision borrowed from the Connecticut code, fugitive servants might be pursued by hue and cry at the public charge; but this was presently found too expensive, and the cost was imposed on the parties concerned. Runaway servants were to forfeit double the time of their absence, and the cost of their recapture. All who aided in concealing them were liable to a fine. Tyrannical masters and mistresses might be complained of to the overseers, and proceeded against at the Sessions; and servants maimed by their masters were entitled to freedom and damages. During servitude they were forbidden to sell or buy. Any master of a vessel carrying any person out of the colony without a pass was liable for his debts; and, by a subsequent provision, any unknown person traveling through any town without a pass was liable to be arrested as a runaway, and detained till he proved his freedom, and paid, by work and labor, if not otherwise able, the cost of his arrest.

No person was to trade with the Indians for furs, or to sell them guns, ammunition, boats, or spirituous liq-

qors, without license from the governor. Upon com- CHAPTER XVII.
plaint to any court by Indians of injuries done to them, 1665.
they were to have as speedy and ample redress "as if the case had been betwixt Christian and Christian." The testimony of heathen against Christian was "not altogether to be allowed;" yet, "when it meets with other apparent circumstances, such as may be sufficient to convince a jury," it might be admitted, especially in liquor cases. All "defensive or vindictive wars" against the Indians were to be a common charge.

No person was to sell any strong drink by retail, or "in less quantity than a quarter cask," without a certificate of his good behavior from the constable and two overseers of the parish, and a license from the Sessions.

Marriages might be celebrated by a minister or justice of the peace after the publication of bans, or on license from the governor. But in this latter case the parties were to purge themselves by oath of any pre-existing marriage, and, if guilty of perjury, were to have their tongues bored through with a red hot iron, and be punished for adultery by fine and imprisonment. The consent of parents and masters was necessary in case of minors and servants, not, indeed, to the validity of the marriage, but to save the person celebrating it from a fine. No man was "to harbor, conceal, or detain, contrary to the consent of the husband, any married woman," under penalty of five shillings forfeiture for every hour's entertainment after notice. In case, however, of "barbarous cruelty," the constable and overseers might afford protection to the wife "in the manner as is directed for servants in such cases, and not otherwise." Five years' absence, unheard of, justified a re-marriage; but if such absent parties, on their return, could show that they had attempted to let it be known they were

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alive, or if "they were, by imprisonment or bond slavery with the Turks or other heathen, lawfully hindered from giving such information," they might then "challenge pre-marriage, and obtain an order for their cohabiting as formerly." If neither party sued for such order, they might, "by mutual agreement, enter a release to each other in the office of records, and both remain free from their former obligations."

Chirurgeons and physicians, by a clause borrowed from the Massachusetts code, were not to exercise any force, nor "to put forth any act contrary to the known approved rules of art in each mystery or occupation," without the advice and counsel of such as are skillful in the same art, if such may be had, or, at least, of "some of the wisest and gravest then present," and the consent of the patient, if competent to give it; a law, however, not intended to discourage any from "all lawful use of their skill," but merely "to inhibit and restrain the presumptuous arrogancy of such as, through confidence in their skill, dare boldly attempt violence, to the prejudice and hazard of life or limb."

In future, no grants of land from the Indians were to be valid without the governor's consent and approval. All possessors of lands for four years last past, whose title in that time had not been questioned, or should not be in the next six months, were confirmed as owners. Lands were declared free of all feudal incumbrances; but the owners were required to bring in their former grants, and to take out new patents from the duke Fees were payable on these new grants, and Nichols and his successor reaped from this source a rich harvest. New grants were to be made by the governor, upon such terms as might be agreed upon. The purchaser was to survey the lands and lodge a copy of the survey in the

record office; but if the lands were not seated in three years, the purchase became void. CHAPTER XVII.

Such were some of the chief provisions of the code known as the "Duke's Laws," which Nichols imagined "could not but be satisfactory even to the most factious Republicans." A considerable number of immigrants seem to have come in on the strength of it from the neighboring colonies of New England. 1665.

To the city of New York Nichols presently granted a charter, in substance the same with the former Dutch one, by which the management of municipal affairs, and authority as a local court, were granted to a mayor, five aldermen, and a sheriff. June 12

Shortly after obtaining his charter, and even before the seizure of New Netherland, the Duke of York had dismembered his province by conveying to Sir George Carteret and Lord Berkeley, two courtiers, known to us already among the proprietaries of Carolina, all that territory bounded on the east by the Hudson, on the west by the Delaware, and on the north by a line drawn from the Hudson at the forty-first parallel of latitude, to strike the Delaware in 41° 40′. To this tract was given the name of New Jersey, in compliment to Carteret, who, as governor of the little Island of Jersey, in the British Channel, had obstinately stood out during the late civil war, being the last commander within the circuit of the British Isles to lower the royal flag. 1664. June 23

The proprietaries of this new province immediately published "Concessions," offering fifty acres of land for each member of a settler's family, and the same amount for each servant or slave, at a quit-rent of a halfpenny per acre. A similar grant was also promised, in accordance with the usage of Virginia, to all indented servants on the expiration of their bondage. No quit-rents were

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to be demanded till 1670. Local affairs were to be administered by a governor and council nominated by the

1664. proprietaries, the counselors not to exceed twelve; and to be joined, for legislative purposes, by twelve delegates chosen by the freeholders. This Assembly was authorized to appoint clergymen, to be maintained at the common expense; but any of the colonists might associate for the maintenance of additional ministers of their own.

1665. Philip Carteret presently arrived with a number of settlers and a commission as governor. With a hoe upon his shoulder, to remind his people of the object of their coming, he landed at the spot called, soon after, *Elizabethtown*, where already were a few families, emigrants from Long Island, to whom Nichols, ignorant of the transfer of New Jersey, had given leave to purchase land of the Indians. Nichols complained loudly of the inconvenience and disadvantage to New York of having another separate colony planted on the same river, alleging that the duke had been misled into giving away the best part of his province. Besides more recent immigrants, there were within the bounds of New Jersey, at the time of its transfer, a number of old Dutch settlers, some at Bergen, on the Hudson, opposite New York, and others along the west shore of Achter Cul, or Newark Bay. Carteret confirmed the grants made by Nichols, and sent agents to New England for additional settlers.

The only Indian inhabitants of New Jersey were some little clans of the Delawares, few in numbers, and quite inoffensive. For a trifling consideration, they readily conceded the occupancy of the lands on the Passaic and the Raritan. The climate was mild and inviting; the soil along the rivers was rich; emigrants came in numbers from Long Island and New England, and some from Great Britain. Elizabethtown, so named in honor

of Lady Carteret, and soon selected as the seat of govern- CHAPTER XVII.
ment, *Middletown*, *Shrewsbury*, *Newark*, *Woodbridge*,
and *Bergen* became, in a short time, thriving settle- 1667.
ments. Some of these towns, founded by emigrants from Connecticut, obtained local powers of self-government, and constituted themselves on the narrow principle of excluding from political rights all but church members.

Carteret presently called the first Assembly, of which 1668.
two sessions were held. But little was done. Indeed, some of the towns denied the Assembly's authority, on the ground of their local rights of self-government.

Matters, however, went on pretty smoothly till the
time came for the payment of the quit-rents. Some of 1670.
the early immigrants claimed exemption from those rents on the ground that, previous to the Duke of York's conveyance to the present proprietors, they had already, by Nichols's permission, purchased their lands of the Indians. Many who had come in since pretended also to class themselves with these early immigrants. The whole colony, in fact, combined against the payment of quit-rents. The malcontents even went so far as to call a
new Assembly, which set up a rival governor in the per- 1672.
son of a worthless illegitimate son of one of the proprie- May.
taries. Finding his authority disregarded, by advice of his council, Governor Carteret proceeded to England, July
leaving John Berry as his deputy.

The proprietaries soon after sent out a new version 1673.
of the Concessions, in which the powers of the Assembly were somewhat curtailed. Among other things, the right of appointing ministers was transferred to the governor and council. The Duke of York discountenanced the insurgents, and the king sent them a letter fixing a period within which they were required to sub-

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mit to the proprietaries, to pay up the quit-rents, and to accept the new concessions. But, before the expiration
1673. of that period, the province was again in the hands of the Dutch.

1667. Francis Lovelace, successor of Nichols as governor of New York, as a means of raising a revenue, imposed, by the duke's sole authority, a duty of ten per cent. upon all imports and exports. This, indeed, was only a revival of the duty formerly levied under the Dutch regime. Eight towns on Long Island protested against taxes imposed by the sole authority of the governor and council;
1670. but their protest was ordered to be burned by the common hangman.

The settlements on the west side of the Delaware, though not included in the Duke of York's patent, had been taken possession of by his officers as a part of the province of New Netherland. Though the English had always disputed the rights of the Dutch, and though the very grant of New York had assumed their futility, those rights were now set up by Lovelace in a correspondence with the governor of Maryland, as sufficient, notwithstanding the express terms by which the Delaware was made the eastern boundary of Maryland, to sustain a title by conquest for the Duke of York in the district west of the Delaware. Against the attempts of Governor Calvert to compel the Dutch settlers near Cape Henlopen to submit to the Maryland jurisdiction, Lovelace strongly re-
1672. monstrated. To the town of *Newcastle* he gave a charter.

The arts and bribes of Louis XIV. seduced Charles
1673. II. into a new war with Holland, and a Dutch squadron,
July 30. after capturing many English traders homeward bound from Virginia, presently appeared before New York. A large part of the population was still Dutch. Some of the Dutch settlers had removed to South Carolina, and

some few, perhaps, had returned to Holland; but the greater part, including Stuyvesant, the late director, remained in the province. Manning, who held the fort with a company of regulars, surrendered at the first summons, and the capitulation included the whole province. Lovelace, at the surrender, absent on a visit to Winthrop, was presently sent to England in the Dutch fleet. Manning was afterward accused of cowardice and treachery in having yielded so easily; and, on his own confession, was adjudged guilty by a court martial. The colonists, for the most part, were not greatly dissatisfied with the change. The local magistrates, except a few on Long Island, who applied to Connecticut for aid and reannexation, did not hesitate to swear allegiance to the Dutch. Those of New Jersey, where a government could hardly be said to exist, were prompt to follow the example; so, also, with the settlements on the Delaware. For a moment the province of New Netherland revived. CHAPTER XVII. 1673.

At the peace between England and Holland a few months after, it was agreed that all conquests should be mutually restored. Thus the Dutch regime finally vanished from North America. The free trade with Holland, and the right to be governed by the Dutch law, secured by the original capitulation, seem to have been henceforth regarded as extinct. 1674. Feb. 9.

To obviate, so far as he was concerned, any similar consequences of the surrender and recovery of the province, the Duke of York obtained from the king a new patent. Like the former one, it was very short, without any of the elaborate provisions of the charters of Maryland and Carolina, the duke being empowered by it "to govern the inhabitants by such ordinances as he and his assigns should establish." June 29.

Major Edmund Andros was presently sent out to re-

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sume possession for the duke, and to him the Dutch authorities surrendered the province. The prayer of the inhabitants, to be allowed an Assembly, though counte-
1674. Oct. 31. nanced by Andros, was expressly disallowed. But the former "book of laws" was re-established, and the duke's intention was proclaimed, that all estates and privileges possessed prior to the conquest should continue to be enjoyed. The inhabitants of the three eastern towns of Long Island stated in a petition to Andros that, by the aid of Connecticut, they had succeeded in repelling the Dutch, and they prayed liberty to continue united to that colony. Not only was this petition refused, but Andros revived the claim of New York to the whole territory as far as Connecticut River. To enforce that claim,
1675. July. Philip's war then just commencing, he appeared before Saybrook fort with two armed sloops; but, finding the garrison resolved to resist, he did not attempt to use force.

He was more successful in establishing his authority over Sagadahoc, the district between the Kennebec and the Penobscot, of the greater part of which, during the Dutch conquest, Massachusetts, as we have seen, had assumed jurisdiction. Almost ruined by the Indian war still raging, the few scattered hamlets along that coast
1677. readily submitted to Andros, by whom they were constituted into the county of *Cornwall*. A fort was erected for their defense. Some Dutch settlers seem about this time to have established themselves on that coast.

The settlements west of the Delaware, during the late Dutch occupation, had been divided into three judicatories, which, under the name of counties, continued to be kept up. They included a Dutch village at Hoarkill, near the entrance of the bay, another at Newcastle, and Swedish villages at Christina, Chester, and near the mouth of the Schuylkill.

Exclusive of Sagadahoc, of these Delaware settlements, and of the islands of Nantucket and Martha's Vineyard, erected into *Duke's county*, the province of New York contained twenty-four towns and villages, of which the sixteen on Long Island were arranged in three counties. The city of New York, far inferior at this time to Boston, had about three hundred and fifty houses, and some three thousand inhabitants. The very center of the present city was a farm which had been the company's, but was now the duke's. The entire population of the province amounted to some fourteen or fifteen thousand. The value of the annual imports was about £50,000, $240,000. The exports were wheat, tobacco, beef, pork, horses, lumber, and peltry. The mercantile fleet of the colony counted three ships, eight sloops, and seven boats. Even on the Island of Manhattan, agriculture was the chief occupation. The manners of the people were simple. There were few servants, and very few slaves; yet the distinction of ranks, especially among the Dutch, was very marked. There was no great good will between the Dutch inhabitants and the immigrants from New England. The English towns on Long Island still cherished the hope of being restored to Connecticut, in whose popular institutions they longed to share. CHAPTER XVII. 1677.

At the peace between England and Holland, New Jersey reverted to its English proprietors; but Berkeley presently sold his share of it for £1000, less than $5000, to John Fenwick, in trust for himself and Edward Billings. These purchasers were both Quakers. The Quaker sect in England had already undergone a considerable transformation. Grown more quiet and discreet, and embracing among its converts a number of merchants and other men of property, it was now anxious to dis- 1674. March 18.

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avow, under the name of "Ranters," the more violent and turbulent of its members. George Fox, the apostle

1674. and founder of the sect, had just returned from a missionary tour through the American plantations, and it was, perhaps, at his suggestion that this purchase was made. The object seems to have been to provide a place of refuge for Quakers, still every where exposed to severe penal enactments; also, according to a practice which the Quakers already began to adopt, to combine worldly thrift with spiritual advancement, by speculating, at the same time, in the foundation of a colony. A dispute between the new purchasers as to their respective amounts of interest was settled by the arbitration of William Penn, already a sort of civil head of the Quaker sect.

The banks of the Hudson being preoccupied, the new proprietors turned their attention to the Delaware. There seems, indeed, from the beginning, to have been an understanding that the northern part of the province should belong specially to Carteret, who, immediately after the issue of the duke's second charter, had obtained a special regrant to himself of that part of the province. A company, led by Fenwick, to whom had been assigned, as his share, a tenth part of the Quaker

1675. July. purchase, ascended Delaware Bay, and established themselves at its head, on the east shore, near the site of one of the old Swedish forts, in a settlement which they called *Salem*.

1676. July. The next year Carteret agreed to a formal partition by a line drawn from the ocean at Little Egg Harbor to the northwestern corner of the province. The portion north and east of this line, known henceforward as *East New Jersey*, became Carteret's separate property, while the portion south and west of it, known as *West New Jersey*, was assigned in severalty to the Quaker proprietors.

Already, before this division, these proprietors had issued, after Carteret's example, "Concessions and Agreements" as a fundamental law for the colony, in which they promised freedom of conscience, and government by an Assembly. The pecuniary embarrassments of Billings made it necessary to assign his share of the province for the benefit of his creditors; and the trustees, of whom Penn was one, with the concurrence of Fenwick, divided the whole proprietary right into a hundred shares, of which the ninety belonging to Billings were sold to different individuals, as purchasers offered. CHAPTER XVII. 1676

Two emigrating companies, principally Quakers, were speedily organized, one in Yorkshire and the other in London. Thomas Olive and others were sent out as commissioners to superintend the colony, and *Burlington*, on the Delaware, was presently founded. 1677. June.

The sachems of the neighboring Indians, branches of the Leni-Lenape, or Delawares, were assembled in council, and a good understanding established with them. Additional emigrants continued to arrive, and the Quaker colony soon assumed a thriving appearance.

In East Jersey, meanwhile, Philip Carteret, on behalf of his kinsman, quietly resumed the administration. The colonists found it necessary to accept the new and curtailed concessions sent out by the proprietary. The second Assembly—not counting the irregular one called by the anti-quit-rent insurgents—presently met, and a session was thenceforward annually held. The province was divided into four counties, *Bergen*, *Essex*, *Middlesex*, and *Monmouth;* and county courts were established, besides monthly courts for smaller matters, to be held in the several towns. 1675.

There were still some ebullitions of the old quarrel about quit-rents. The colony was also disquieted by

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the claims of Andros, who would not allow any goods to be landed on the Jersey shore till the vessels had first entered at New York, and paid the duties there exacted in the duke's name. The people of East Jersey denounced this impost as a tax on immigration; but Andros successfully opposed all attempts at a direct trade between that province and England. Presently he went so far as to put forth, under his commission from the duke, a claim of jurisdiction also. He first summoned Carteret to forego the exercise of his authority, and then paid him a friendly visit to persuade him to do so. These mild measures failing, he sent a file of soldiers, who violently seized the governor of East New Jersey in his bed, carried him to New York, and committed him to prison. Andros summoned a special court, himself being chief judge, for the trial of his rival; but the jury, though hectored by the governor, and twice sent back, persisted in finding a verdict of acquittal. Carteret, however, was detained in custody until the matter could be settled in England. The Assembly of East Jersey, over which Andros assumed to preside, without passing any judgment on his pretensions to the government, presented to him the "Concessions" and existing laws for ratification, giving him also to understand, in reply to his speech, in which he had expatiated on the duke's charter, that it was not "on the king's letters patent to the Duke of York," but on "the Great Charter of England," that they relied as "the only rule, privilege, and joint-safety of every free-born Englishman."

Nor was it to East Jersey only that the usurpations of Andros were confined. He not only pretended that the duke's authority extended over the whole of Delaware Bay, and that all vessels entering that bay were bound to pay duties to the duke's officers at Delaware,

but, following up the doctrine which he had carried out against Carteret, he denied any right of jurisdiction in the proprietors of West Jersey, and there, as in the other province, he assumed to act as governor. CHAPTER XVII. 1678.

By agreement between the Duke of York and the Jersey proprietors, this question of jurisdiction was referred to two arbitrators, who took the opinion of Sir William Jones, an eminent lawyer of that day, and upon the strength of it decided against the duke. In accordance with this decision, the duke made a new and separate grant of West Jersey to the trustees, who appointed Billings to be governor. Jennings, his deputy, presently called the first Assembly, and that body adopted certain "fundamental constitutions" as a basis for the government of the province. 1681. Nov.

The province of East Jersey, by the will of Carteret, had passed to trustees for the benefit of his creditors, widow, and heir. But the disputes about quit-rents were again reviving, and the province seemed likely to prove a troublesome and unproductive piece of property. The trustees having offered it for sale, it was purchased by a company of twelve Quakers, of whom Penn was the chief. These twelve proprietors associated with themselves twelve others, principally Scotchmen, several of whom were not Quakers, but persons of very different principles. The twenty-four obtained from the Duke of York a new patent directly to themselves. Robert Barclay, the celebrated apologist for the Quakers, himself one of the proprietors, was appointed governor for life; but he never visited the province. Rudyard, who came over as his deputy, held an Assembly, at which the division of the colony into four counties was confirmed, the concessions of the late proprietor renewed, and a code of laws enacted. Upon some quarrel with the surveyor 1682. 1683. March 13 1684.

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of the province, Rudyard was presently superseded by Gawin Lawrie, a Scotch Quaker merchant of London,
1684. who vainly attempted to establish at *Perth Amboy*, so named after the Earl of Perth, one of the Scottish proprietors, a commercial town to rival New York.

Thus connected as he was both with East and West Jersey, William Penn was already employed in planting on the Delaware a still more important province of his own. Of Dutch origin by the mother's side, this remarkable person was the only son of Admiral Penn, commander of the English fleet at the conquest of Jamaica, and distinguished in the subsequent Dutch war. The young
1661. Penn had adopted, while a student at Oxford, the principles of the Quakers. In manners mild and gentle, he was thoroughly inflexible of purpose; and neither his expulsion from the University, because he would persist in pulling from the backs of his fellow-students those popish and unnecessary badges, their gowns, nor two years' travels in France, nor the severe discipline of his father, who chastised him with blows, and at one time turned him penniless out of doors, nor yet the friendly remonstrances of Charles II., made through the sensible Stillingfleet, could shake him. On the part of his father, affection soon triumphed over anger; but the profession of Quaker preacher, and vindicator, through the press, of Quaker doctrines, which the young Penn adopted, exposed him to reiterated persecutions and imprisonments. Yet his high connections, the large fortune he inherited from his father, his remarkable abilities, his steadiness of purpose and evident sincerity, did not leave him without friends; and as he advanced in life, his ideas became tempered, and his conduct modified, by a certain degree of worldly prudence—a quality much more frequently associated with religious enthusiasm than is commonly supposed.

Among other property inherited from his father, Penn had a claim against the government for £16,000, of which the admiral had been plundered at the shutting up of the Exchequer. To extract money from Charles II. was a difficult task; Penn therefore applied for a grant of American territory in liquidation of this debt. This application, though nominally opposed, was, in fact, supported by the Duke of York, the late admiral's particular friend, and the friend also of his son, whose principles of non-resistance he specially admired. Himself belonging to a persecuted sect, the duke had some points of sympathy with Penn, who, besides, was far from unskillful in the arts of a courtier, practiced with double effect in the guise of Quaker plainness.

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1681.

After some share of that vexation which most suitors for court favor or government justice are doomed to experience, Penn succeeded in his suit; and in the thirty-seventh year of his age was constituted, by a royal charter, sovereign of a great American province called PENNSYLVANIA. The first syllable of that name his Quaker modesty would have declined, but the king insisted upon it.

March 4.

Penn's charter, copied, with some alterations and additions, from that of Maryland, created him "true and absolute lord" of Pennsylvania, with property in the soil, and ample powers of government; but, as in Maryland and Carolina, "the advice and consent of the freemen of the province" were necessary to the enactment of laws. Some provisions were also added not contained in any previous charters, suggested by the pending disputes with Massachusetts. A veto on all colonial enactments was reserved to the crown, and to Parliament the right to levy duties and taxes. Observance, also, of the laws of trade was expressly stipulated, and toleration for the Church of England. The proprietary was bound

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to have an agent always at court ready to answer complaints. He had the power of erecting courts of justice,
1681. saving an appeal to the crown—this latter, also, a new provision, which recent experience had shown to be necessary. Not very consistently with the Quaker principles of Penn—as, indeed, how could his undertaking to be lord proprietor at all be reconciled with those principles—his charter contained the usual clauses, empowering him to levy troops, to make war, to pursue his enemies by sea and land, even beyond the limits of his province, "and, by God's assistance, to vanquish and take them." However scrupulous he might be in his closet, Penn was of too active a temperament, and a casuist far too ingenious, to sacrifice to his scruples the sovereignty of a province.

Within the limits of Pennsylvania, at the time of its erection, quite a number of settlements already existed, some of them of ancient date. Besides Swedes and Dutch, old occupants of the mouth of the Schuylkill, some English had already settled along the west bank of the Delaware, under grants from the governors
April 2. of New York. A royal proclamation, announcing to these settlers the recent grant to Penn, was sent out by the hand of his relation, William Markham, authorized to arrange boundaries with Lord Baltimore, and bearer
April 8. also of a proclamation from Penn himself, in which he assured his new subjects that they should "live free under laws of their own making."

May. Meanwhile, in England, proposals were published for the sale of lands at the rate of forty shillings, about $10, the hundred acres—subject, however, to a perpetual quit-rent of one shilling for every hundred-acre grant, or about two mills and a half the acre; the purchasers also to have lots in a city to be laid out. On the basis of these

proposals, an agreement was soon signed between Penn and certain adventurers, calling themselves the Company of Free Traders, and three vessels with emigrants speedily set sail, with three commissioners on board, a plan of the proposed city, and a friendly letter from Penn to the Indians, in which he addressed them, not as heathen, but as brethren—a new feature in the history of Anglo-American intercourse. CHAPTER XVII. 1681. July 11.

Penn, early the next year, after much consultation with his friend Algernon Sidney, who had a principal share in the composition of it, published a "Frame of Government," which, "for the matter of liberty and privilege," he pronounced "extraordinary," leaving to himself and his successors "no power of doing mischief —that the will of one man may not hinder the good of the whole country." The proposal of laws and the executive authority, according to this frame, were to be vested in a council of seventy-two persons, elected by the freemen for three years, one third to go out annually; the proprietary or his deputy to preside, and to enjoy a triple vote. Laws thus proposed, after due publication, were to be submitted for approval or rejection to an Assembly, at first of all the freemen, but afterward of delegates, never more than five hundred, nor less than two hundred. To this frame of government were subjoined forty "fundamental laws," agreed upon by Penn and the intended emigrants. 1682. April.

In consequence, it is probable, of information from Markham, of which more will presently be said, Penn obtained from the Duke of York a quit-claim to Pennsylvania; also two deeds of feoffment, one of the town of Newcastle, with a circle twelve miles round it, the other of the district thence to Cape Henlopen. Though not included in the Duke of York's charter, these terri- Aug. 21.

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tories on the west bank of the Delaware had been claimed by his governors as appurtenant to the province of
1682. New York; and, in his conveyance to Penn, he still reserved to himself one half the rents and profits.

All preliminaries thus arranged, Penn set sail, accompanied by a hundred emigrants, and preceded and followed by many more. Twenty-three ships sailed for Pennsylvania this year, all of which arrived in safety. Penn himself had a tedious and distressing passage. The small-pox broke out in the ship, and thirty of the
Oct 27 passengers died on the voyage. He landed at Newcastle, and, after renewing the commissions of the magistrates, and receiving the greetings of those who flocked to meet him, proceeded up the broad, majestic Delaware to Upland, or Chester. He found already settled in the province and territories, the distinctive names by which Pennsylvania and the three lower counties on the Delaware became presently known, two or three thousand inhabitants, "a plain, strong, industrious people," with six religious societies, three of Swedish Lutherans, and three of Quakers; "the land good, the air clear and sweet, the springs plentiful, and provisions good and easy to come at; an innumerable quantity of wild fowl and fish; in fine, what an Abraham, Isaac, and Jacob would be well contented with." On Pennsbury Manor, opposite Burlington, Markham had already commenced the erection of a stately brick house for a proprietary dwelling.

Having paid a visit to New Jersey, New York, and
Dec. 4. Long Island, Penn presently returned to Chester, and there met, in a three days' session, the first Assembly of the province. To the three lower counties on the Delaware there seems to have been already added three others, embracing the settlements higher up the river. Instead of the whole body of freemen in person, as the

frame of government had proposed, and Penn's writ of summons had requested, there came from each of these six counties twelve delegates—only enough to constitute the council—with a petition that the number thus sent might serve both for council and Assembly; assigning for reason "the fewness of the people, their inability in estate, and unskillfulness in matters of government." CHAPTER XVII. 1682.

An "act of settlement" was accordingly passed, constituting eighteen of these delegates a council, and the remainder an Assembly. But in future the Assembly was to consist of thirty-six members only, six from each county, to be chosen annually, with a council composed of three members for each county, to hold their seats for three years, one to be chosen each year. The restriction of the governor to three votes was dropped. The governor and council were to possess jointly the right of proposing laws. In this quiet way the proprietary regained that power of controlling, by his single will, the legislation of the province, which his original frame had disclaimed, but without which, as he had already discovered, his authority would soon become the merest shadow. According to Penn's account, this modification was made by the spontaneous movement, and at the special request of the Assembly, fearful lest in their ignorance they might enact laws forbidden by the charter, and might thus work its forfeiture. It is reasonable, however, to presume, that, on second thought, he himself had seen and suggested the expediency of an alteration, angrily charged upon him some twenty years after as having been obtained by his own overwhelming influence, and in violation of his original promise.

An "act of union," which made the recently purchased "territories" a part of the province, naturalized also the

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Dutch and Swedish settlers, placing them on the same footing with the English.

1682. A code, called the "Great Law," was next enacted, compiled, for the most part, from the forty articles agreed upon in England, but with some additions. This code gave the rights of "freemen," that is, of voting and being elected to office, to every freeholder and tax-payer; but "faith in Jesus Christ" was required as an additional qualification. Toleration was secured to "all persons who confess and acknowledge the one Almighty and eternal God to be the creator, upholder, and ruler of the world, and that hold themselves obliged in conscience to live peaceably and justly in civil society." None such were to be "molested or prejudiced for their religious persuasion, or practice in matters of faith and worship; nor shall they be compelled, at any time, to frequent or maintain any religious worship, place, or ministry whatever." Yet the very next provision, with an inconsistency of which examples are sufficiently numerous, proceeded to interfere with "practice in matters of worship," by requiring all to abstain from their common daily labor "every first day of the week, called the Lord's Day." Nor was this promised toleration extended to Catholics, at least in the early days of the colony.

In the list of offenses to be expressly discouraged and severely punished are enumerated "drinking healths, prizes, stage plays, cards, dice, May-games, masques, revels;" but the criminal code, on the whole, was exceedingly mild, only murder being punishable with death. County courts were established for the administration of justice, with trial by jury. The right of primogeniture was partially abrogated. The eldest son, instead of inheriting all his father's lands, was to have, as in New England, only a double share. It was provided, in con-

clusion, that these laws should be printed and taught in the schools. CHAPTER XVII.

Having thus established a government for his province, the Quaker sovereign hastened to Newcastle to meet Lord Baltimore, with whom had arisen a delicate question of bounds. The charter of Maryland assigned "the fortieth degree of north latitude, where New England is terminated," as the northern boundary of that province. Pennsylvania was to begin on the Delaware, twelve miles above Newcastle, and thence to extend by the course of that river to "the beginning of the forty-third degree of north latitude." It was to have a breadth of five degrees of longitude; and for a southern boundary, the arc of a circle of twelve miles radius, drawn from Newcastle as a center, "northward and westward unto the beginning of the fortieth degree of latitude," along which parallel the boundary was to run. It has been alleged by Proud and other historians, that Penn's charter included three degrees of latitude, having for its southern boundary the thirty-ninth degree, where, according to this construction, the fortieth degree began. Such a pretense was indeed set up in the answer filed years after Penn's death, in the suit by which the boundaries of Maryland and Pennsylvania were finally determined. But this construction is not sustained either by the words of the charter or by any claims ever made by Penn himself. In spite of its affected precision, Penn's charter is ambiguous; it would seem, however, to have intended by the phrases "beginning of the fortieth" and "beginning of the forty-third," that part of those degrees first reached, in the one case from the north, by the curve to be drawn northward and westward from Newcastle; in the other case from the south, by the ascent of the Delaware. No other construction is consist- 1682.

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ent either with the Maryland charter, the supposed state of facts when Penn's charter was granted, or with the

1682. claims which he himself set up in his interview with Lord Baltimore. It had been hitherto supposed, and Penn's charter proceeded on that supposition, that the fortieth degree of north latitude crossed the head of Delaware Bay in the vicinity of Newcastle. But when Markham and Baltimore, in obedience to the royal letter brought out by Markham, met, previous to Penn's arrival, to settle and mark the boundaries, much to the surprise of both parties, it had been discovered, by some astronomical observations then taken, that the fortieth degree crossed the Delaware above the junction of the Schuylkill. Upon this discovery, Markham refused to proceed any further in running the boundary. Penn, informed of it before his embarkation, had taken care to procure the above-mentioned deeds from the Duke of York, and from the king a letter to Lord Baltimore, in which he was informed, first, that his province included only two degrees of latitude, to be measured from Watkins's Point, on the east shore of the Chesapeake, opposite the mouth of the Potomac; and, secondly, that these two degrees were to be reckoned as containing only sixty miles each, such being the estimate of the extent of a degree prevalent when Lord Baltimore's province was granted.

The two proprietaries having met, and being both seated at the same table with their respective members of council, Penn produced the king's letter, which was read, first privately, and then publicly. But the charter of Maryland said nothing about two degrees. It distinctly fixed the northern boundary of that province at the fortieth degree of north latitude. Baltimore treated with a disregard quite shocking to the loyalty of Penn

this attempt to set aside the express tenor of a solemn grant, by a private letter from the king, obtained it did not appear by what means. He even presumed to say, in the presence of the assembled councils, "that the king was greatly mistaken; that he would not leave his patent to follow the king's letter, nor could a letter void his patent; by that he would stand;" and he called for a survey. It does not appear that Lord Baltimore denied that the two deeds of feoffment from the Duke of York might convey to Penn, notwithstanding the Maryland charter, an interest in the tract about Newcastle, and the shore of the Delaware south of it, though the duke himself had no grant, and no title except mere possession. But these conveyances did not cover the district between the fortieth degree of north latitude and the curve to be drawn about Newcastle. CHAPTER XVII. 1682.

Finding the limitation of two degrees so unpalatable, Penn offered to allow Lord Baltimore as many degrees as there might be from Watkins's Point to the fortieth, to be measured, however, on the scale of sixty miles to a degree, the second proposition in the king's letter. As every degree contained, in fact, about seventy miles, Penn's design was to carry his boundary in this way some twenty miles or more within the chartered limits of Maryland. But neither to this would Lord Baltimore hearken. "I told him," says Penn, "it was not the love or need of the land, but the water; that he abounded in what I wanted, access and harboring, even to excess; that I would not be thus importunate but for the importance of the thing, to save a province; and because there was no proportion in the concern; if I were a hundred times more urgent and tenacious, the case would excuse it, because the thing insisted on was more than ninety-nine times more valuable to me than

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to him; to me the head, to him the tail." But this sort of reasoning, to which, indeed, when subsequently urged against himself by his own tenants, Penn did not seem to attach much weight, weighed just as little with Lord Baltimore.

1682. The negotiation was carried on with much warmth and some art on both sides, since Penn complains that Baltimore, unknown to him, had a reporter present to take down all that was said. The proprietaries parted without coming to any conclusion, intending to meet again in the spring.

Penn had been offered a considerable sum before leaving England for a share of his province and a monopoly of the Indian traffic, but had preferred to found a free company for that trade, in which all the colonists that chose were at liberty to become partners. This Indian traffic, however, was of very little consequence. Far in the interior, on the upper waters of the Delaware and along the Susquehanna, were some considerable Indian villages, allies or tributaries of the Five Nations, but the tribes in the neighborhood of the lower Delaware were few and feeble. With these Indians, branches of the Leni-Lenape, or Delaware confederacy, treaties were held. Lands were purchased of them, and peace and friendship established. The famous traditionary treaty under the great elm of Shakamaxon, commemorated by the pencil of West, took place, it seems probable, not long after the interview with Lord Baltimore. Penn's Indian policy has been much and justly praised. But, in contrasting it with that of New England and Virginia, we must not forget the comparative feebleness of the Pennsylvania Indians, the peaceful character of the Delawares, whom the Five Nations had compelled to acknowledge themselves women, and the cover afforded to

the new colony by older settlements, both on the north and the south. CHAPTER XVII.

Having, by the promise of other lands, obtained of the Swedish settlers who claimed it, the tract at the confluence of the Schuylkill and the Delaware, in spite of the pretensions of Lord Baltimore, Penn proceeded to lay out his city of PHILADELPHIA, so called in allusion to that brotherly love which the sect of Quakers professed and advocated. Buildings were at once commenced; settlers from England were now fast arriving; and by the end of the year, eighty houses were erected. 1682.

Before such conveniences were provided, and while some of the new comers still lodged in caves dug in the sandy banks of the Delaware, Penn summoned his newly constituted Legislature to meet him at the new city. This Assembly accepted a frame of government modeled in accordance with the late act of settlement, and including a proviso, copied from the first frame, that no change should be made in it except by the joint consent of the proprietary and six parts in seven of the freemen of the province. March.

Orphan courts were established for administering the estates of deceased persons; county affairs were regulated; and for the settlement of disputes and prevention of law-suits, three "peace-makers" were appointed for each county. A revenue was also voted to the proprietary, to be raised by a duty on imports and exports; but upon a "consideration engaged by several merchants," Penn suspended the receipt of it for a year or two, and presently lost it altogether.

The Assembly of the next year voted £2000 toward the expenses of the government, to be raised by an impost on spirits. 1684.

At his manor of Pennsbury, on the Delaware, oppo-

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site Burlington, some twenty miles above Philadelphia, a large mansion house had been erected for the proprie-
1683. tary residence. "Oh! how sweet is the quiet of these parts!" exclaimed Penn, "freed from the anxious and troublesome solicitations, hurries, and perplexities of woeful Europe." But his active spirit quickly wearied of quiet, and to "woeful Europe" he soon returned, called thither, as he alleged, by the pressure of his affairs, and the necessity of looking after his dispute with Lord Baltimore.

May. A second interview between the two proprietaries had ended in a downright quarrel. Penn offered to proceed with Baltimore in search of the fortieth degree, and to accept it as the boundary, provided he would first fix "a gentlemanly price" for the tract from the head of the Chesapeake northward, "so much per mile in case I should have no part of the bay by latitude, that so I might have a back port to this province." Baltimore would not sell, but offered to exchange a part of Chesapeake Bay for the three lower counties. Penn, however, "did not prize the thing at such a rate." Baltimore had already sent home to the Plantation Committee of the Privy Council an account of the conference between him and Penn. He also put forth an offer to sell lands at reduced prices on the shores of Delaware Bay,

Sept. and he presently sent George Talbot to make a formal demand on Penn for all the land on the west side of the Schuylkill south of the fortieth degree of latitude. Penn set up, in reply to this demand, the title of the Duke of York, "a prince, doubtless, of too much honor to keep any man's right, and of too great resolution to deliver up his own." "He is lord, and I am tenant; of him I hold, and to him I pay my rent, and for him I improve as well as myself, whose example I am resolved to follow." At the same time, besides a formal reply to Bal-

timore's appeal to the Privy Council, he took care to strengthen his interest by letters to North, Halifax, and Rochester, in which he urged the prior Dutch possession as fatal to Baltimore's claim, and represented Baltimore's insisting upon the tenor of his grant as an attempt to steal "his poor ewe lamb." "He hath two hundred miles on both sides of the bravest bay in the world, while I have but one side of an inferior one, and none at all, it seems, if he would have his will, to the ruin of, perhaps, the most prosperous beginning in America. I have but two creeks that ships of two hundred tons can enter; he has forty and to spare that ships of five hundred tons can enter and ride in." CHAPTER XVII. 1683.

With respect to the Dutch title to the banks of the Delaware, however strong that claim might have been in the mouths of the Dutch, yet how could the Duke of York, or any claiming under him, set up a title which the very grant of the province of New York presumed to be invalid?

So long as Penn remained in the colony, he had acted with his council as the supreme court of law. Just before his departure, he established for that purpose a provincial court of five judges, with Nicholas Moore for chief justice. The executive administration was committed to the council, of which Thomas Lloyd, one of the principal Quaker settlers, was appointed president, and Markham secretary. 1684. Aug.

At Penn's departure the province already contained twenty settled townships, and seven thousand inhabitants. Quaker immigrants flowed in from England and Wales. Some Dutch and German Quakers also arrived, converts made by Penn and Barclay, some years before, during a tour on the Continent. It was by a party of these German Quakers that *Germantown* was settled.

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Andros, meanwhile, recalled from New York to answer the complaints alleged against him by the proprie-

1680. taries of the Jerseys, had left the administration of that province in the hands of Anthony Brockholst. The people of New York, with Connecticut on the one side and the Jerseys on the other, looked with longing eyes at the popular institutions by which they were surrounded, and grew more and more discontented at being allowed no share in legislation or the imposition of taxes.

The legality of taxes imposed by the sole authority of the duke's officers began to be questioned. The grand jury of New York even went so far as to indict Dyer, the duke's collector, for constructive high treason in levying taxes without authority. A special court was organized to try him; but Dyer insisted that his authority as collector was quite as good as that of his judges, to wit, the duke's commission; and, as it did not seem easy to answer that argument, they sent him to England for trial. Having thus got rid of the collector, no accuser saw fit to appear.

Doubts, however, were expressed even in England as to the duke's right to levy taxes by his own mere authority. The council, the Court of Assize, and the corporation of New York, all joined in soliciting the proprietary "to allow the people to participate in the making of laws." Penn gave, it is said, the same advice; and, after some negotiations, and a tacit agreement that a perpetual revenue should be settled on the duke and

1683. his heirs, Thomas Dongan was sent out as governor, with instructions to call an Assembly.

Oct. 17. This first Assembly of New York consisted of the governor and the ten counselors, joined by seventeen deputies elected by the freeholders. Besides passing the stipulated tax bill, a declaration of rights was also adopted, claim-

ing, among other things, that no tax ought to be assessed except by consent of the Assembly. The colony was divided into twelve counties, *New York*, *Richmond*, *King's*, *Queen's*, *Suffolk*, *Orange*, *Ulster*, *Albany*, *Westchester*, *Dutchess*, *Duke's*, and *Cornwall;* but Orange and Ulster had so few inhabitants as to be annexed, for municipal purposes, respectively to New York and Albany. Instead of the former Court of Assize, Courts of Oyer and Terminer were substituted, to be held annually in each county, by one out of two judges appointed for the province, assisted by three justices of the county. CHAPTER XVII. 1683.

The perpetual revenue granted to the duke included a duty of forty shillings on each pipe of wine, four pence a gallon on all spirits, and two per cent. *ad valorem* on all other goods imported (with the important exceptions of salt, bricks, tiles, coal, fish, sugar, molasses, cotton, ginger, tobacco, hides, and dye-woods); together with an excise of twelve pence a gallon on all liquors sold by retail (except beer and cider, which paid six shillings a barrel); and certain additional duties on liquors, guns, powder, and Indian goods, carried up the Hudson. The Assembly ended, Dongan, with his council, met the governor and council of Connecticut, and settled the boundary line between the provinces, much as it now runs.

Another Assembly met the next year to explain some disputed points of the tax act; but, after the accession of the Duke of York to the throne, no new Assembly was called. Dongan, in his renewed commission, was authorized, with his council, to enact laws, to continue existing taxes, and to impose new ones. Like Effingham, his cotemporary in Virginia, he was specially instructed to allow no printing. Though "a man of integrity, moderation, and genteel manners," the governor was a "professed papist," a very terrible thing in the estimation of 1684 1685

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the colonists, in whose minds the ideas of papacy and tyranny were indissolubly connected.

1686. Dongan gave a city charter to Albany. To Robert Livingston, a Scotch immigrant, connected by marriage with the families of Rensselaer and Schuyler, he granted a feudal principality on the Hudson, known as Livingston Manor, adjoining the manor of Rensselaerswyck. Livingston played himself a conspicuous part, and became the founder of an eminent family.

To the re-establishment of episcopacy in Scotland the great body of Presbyterians had quietly submitted; but a small minority, known as Cameronians and Covenanters, still stood out, and were subjected, in consequence, to a severe persecution, whence resulted occasional insurrections. The Earl of Perth and Lord Drummond, two of the proprietaries of East New Jersey, in their character as members of the Privy Council for Scotland, took a very active part in the severe proceedings against the Covenanters. But, like Clarendon and others of that day, however strenuous for conformity at home, they seem not to have objected to toleration in the colonies. Efforts were made, not without success, to induce these persecuted people to emigrate to East Jersey, which became, in consequence, the cradle of Presbyterianism in America. About the time that Lord Cardross emigrated to Carolina, Lord Niel Campbell, brother of the Duke of Argyle, compromised by some insurrectionary movements, came
1684. out as governor of the colony of East Jersey. But he returned home the next year, leaving Andrew Hamilton as his deputy. Among the original planters of New Jersey were Dutch colonists, Puritans from New England, English Quakers, and Scotch Presbyterians; and indications of this various origin are still very obvious among the present inhabitants.

CHAPTER XVIII.

ROYAL PROVINCE OF NEW ENGLAND UNDER JAMES II. REVOLUTION IN MARYLAND AND VIRGINIA. DELAWARE A SEPARATE PROVINCE.

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MASSACHUSETTS, her charter vacated, was presently alarmed by the news that Colonel Kirk, late governor of Tangier, had been appointed by Charles II. royal governor of that province. But the king's sudden death vacated this commission, and James II. found employment for Kirk at home, where he soon made himself infamous by his cruelties in suppressing Monmouth's bootless insurrection. Of the unfortunate prisoners taken on that occasion, a large number were shipped to America, to be sold as indented servants. 1684. 1685. Feb.

James II. claimed by prerogative a power of suspending all the persecuting laws, an illegal exercise of authority which gave great offense to the Established Church. Even the Dissenters, who profited by it, saw in it an insidious step toward the re-establishment of popery. The temporary administration of Massachusetts and New Hampshire was presently intrusted by the new king to a president and council, selected from among the leading members of the moderate party. The president was Joseph Dudley, late colonial agent, but now one of the new "prerogative men." Perceiving that the reign of the theocracy was ended, like several of his cotemporaries and many other politicians before and since, Dudley had transferred his allegiance to the rising power; and, having gone again to England, had found

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means to recommend himself there as a person whose accommodating talents and local knowledge and influ-

1686. ence might make him very useful to the crown.

May. Though eighteen months had elapsed since the charter was vacated, the government was still going on as before. The General Court, though thinly attended, was in session when the new commission arrived. Dudley sent a copy of it to the court, not as recognizing their authority, but as to an assembly of principal and influential inhabitants. They complained of the commission as arbitrary, "there not being the least mention of an Assembly" in it; expressed doubts whether it were safe for him or them; and then gloomily dissolved, leaving the government in Dudley's hands.

Besides Massachusetts and New Hampshire, King's Province was also included under Dudley's jurisdiction That district, the southwestern continental half of the present state of Rhode Island, notwithstanding the former decision of the royal commissioners, had continued a bone of contention between Connecticut and Rhode Island, of which Benedict Arnold had been re-elected governor in 1677, followed in 1679 by John Cranston, and in 1680 by Peleg Sandford. William Coddington, again chosen in 1683, was succeeded in 1685 by Henry Bull, also a Quaker. In 1686 Walter Clarke was chosen. For the settlement of boundary disputes between Connecticut, Rhode Island, and Plymouth, and of claims to lands in the Narraganset country, a new

1683. royal commission had been named, with Cranfield, the late governor of New Hampshire, at its head. Its members being principally selected from Massachusetts and Connecticut, Rhode Island had objected to them as not impartial; and when they proceeded to hold a session within the disputed territory, the Rhode Island Assem-

bly met near by, and sent them warning by sound of trumpet, not to attempt "to hold court" within the Rhode Island jurisdiction. The commissioners having adjourned to Boston, reported to the king that the jurisdiction of the Narraganset country belonged to Connecticut, and the land to the Atherton Company. But the opposition of Rhode Island prevented the confirmation of this report, and King's Province was now included in Dudley's commission. He proceeded to organize there an independent government, and took it upon himself to change the names of the towns. CHAPTER XVIII. 1686.

Anxious to conciliate his fellow-colonists, and to gloss over his own desertion, Dudley made as few innovations as possible. Some, however, were not to be avoided. A religious society, worshiping according to the forms of the Church of England, was organized in Boston, than which nothing could have been more mortifying or distasteful to the ousted theocracy. The censorship of the press was taken from the appointees of the former government and bestowed upon the hated Randolph.

Hoping to dissipate the public gloom by visions of wealth, Dudley proposed a banking company, a scheme borrowed from England, where similar projects were beginning to be entertained. He also joined with his council in an address to the king, recommending "a well-regulated Assembly" as "extremely needful." But he encountered the usual difficulties of those who attempt to please two opposite parties. The colonists looked at him with suspicion and dislike, as a turn-coat and a traitor; while he was secretly represented by Randolph, in his correspondence with England, as lending himself to the purposes of the "old faction," and neglecting the enforcement of the acts of trade.

Meanwhile *Quo Warrantos* had been issued against July

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the governments of Connecticut and Rhode Island. The writs were served by the ever-active Randolph; but pro-
1686. ceedings were stayed on the promise of the Assemblies to submit to the king's pleasure. Thus was the way at last open for the execution of the so long favorite but never yet realized project of a royal governor general for
Dec. 20. New England. That office was bestowed upon Sir Edmund Andros, late governor of New York, now knighted and appointed to supersede Dudley, whose administration had lasted but seven months. The government assigned to Andros included, besides the provinces embraced in Dudley's commission, Plymouth, Rhode Island, and Connecticut. Plymouth had no charter; the other two colonies, as we have just seen, had judged it best, instead of abiding the process of *Quo Warranto*, to throw themselves on the king's mercy, with an expression of preference to be united to Massachusetts rather than to New York.

Andros came out in the Rose frigate with two companies of soldiers, the first English troops ever stationed in New England, and, except the detachments sent by Cromwell and Charles II. for the conquest of New Netherland, the first ever seen there.

The new governor was authorized, by his commission, to appoint and remove at pleasure the members of the council, and, with their consent, to enact laws, to levy taxes, and to organize and call out the militia. Like the rest of James's colonial governors, he was to allow no printing. The Church of England was to be favored, but universal toleration was promised. The new governor was to protect the Indians against injuries and encroachments, of which some complaints had been made; he was to enforce the acts of trade, and was to appoint to office only persons of fair character and competent estates.

Dudley was made chief justice; West, from New York, was appointed colonial secretary, but was pres- CHAPTER XVIII.
ently superseded by Randolph. Though a great stickler 1686
for the old theocracy, Stoughton had yet an understanding with Dudley, and he occupied a seat in the council. There were other counselors also who possessed a degree of public confidence; but care was taken to have a majority whose compliance could always be reckoned on.

Immediately after his arrival the new governor demanded the surrender of the Rhode Island charter. It not being sent to him, he proceeded thither, and dissolved 1687.
the existing government, but gave to some of the prin- Jan.
cipal citizens seats in his council. Plymouth, of which Thomas Hinckley had been governor since 1680, and lately divided into three counties, was also absorbed.

On his return to Boston, Andros caused the English Church service to be celebrated in the South meeting-house. In vain the building was claimed as private property; in vain the sexton refused to ring the bell. No tenderness was exhibited like that of the king's commissioners twenty years before. The clergyman came forth arrayed in the hated surplice, and the Puritan prejudices of Massachusetts suffered a terrible shock. The foundation was laid of an Episcopal Church, and the leaders of the late theocracy were even insultingly asked for contributions to build it. James's Declaration of Indulgence was proclaimed, and now, for the first time, Quakers, Baptists, and Episcopalians enjoyed toleration in Massachusetts. That system of religious tyranny, coeval with the settlement of New England, thus unexpectedly received its death-blow from a Catholic bigot, who professed a willingness to allow religious freedom to others as a means of securing it for himself. It is, indeed, upon this compromise alone—the mutual indul-

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gence of a few powerful sects for each other—a matter of policy rather than of right, that a partial religious freedom has been gradually introduced into Christendom. Even in the United States of America, however the Constitutions of most of the states may seem to guarantee it, the abstract right of opinion is hardly any where practically acknowledged—a consideration to be very seriously weighed before we exult too loudly over the past.

1687. Andros and his council renewed the taxes hitherto imposed by the General Court. They were very moderate in amount, but the validity of any tax levied without the consent of the people was denied, and on that ground payment was resisted. The recusants, among whom was Wise, minister of Ipswich, when arrested for this default, in vain cited Magna Charta, and demanded writs of habeas corpus. It was said in Massachusetts, as it had been in Virginia, that the late act of Parliament on the subject of that writ did not extend to America. Chief-justice Dudley pressed matters with an energy for which abundant precedents might be found in the doings of the former government, and now, as then, those who resisted were tried, found guilty, fined, and imprisoned. What gave still greater offense, the Quakers and other Dissenters were encouraged by Andros to refuse payment of the taxes levied by the towns for the support of the ministers.

Oct. In the autumn, attended by an armed guard, Andros proceeded to Hartford, where the Assembly of Connecticut was in session. The office of governor was held by Robert Treat, who had succeeded to it seven years before on Leet's death, and had since been annually re-elected. The charter, of which Andros demanded the surrender, was produced and laid upon the table of the court. A warm debate ensued, protracted into the

night, when suddenly the lights were extinguished, and the charter, snatched in the darkness by a trusty hand, was conveyed away, and concealed in the hollow of a neighboring oak. Andros declared the charter government at an end, and Connecticut to be a part of his jurisdiction. He appointed two of the inhabitants members of his council, and after the last entry in the records of the General Court, with his own hand wrote the word "*Finis.*"

1687.

The administration of Andros in Massachusetts grew day by day more unpopular. Oaths were required to be administered, not by holding up the right hand, after the Puritan fashion, but by laying the hand on the Bible; and this interference with their own prejudices was esteemed a great grievance by those who had so contemptuously slighted the scruples of the Quakers and others. The celebrating of marriages, no longer exercised by the magistrates, as had been the case under the old charter, was confined to Episcopal clergymen, of whom there was but one in the province. It was necessary to come to Boston in order to be married. The existing taxes not proving sufficient, new ones were imposed. The fees of all public offices were greatly increased; those for the probate of wills and settlement of estates at least twenty fold. What was most grievous of all, a source of profit to the royal officers, and of terror and alarm to the colonists, writs of intrusion were issued against many of the principal inhabitants for alleged defects in the title to their lands, for which many compounded by paying heavy fees for the issue of new patents. All town meetings, except for the choice of town officers, were prohibited; and a regulation was established similar to that of New York and other provinces, forbidding any one to leave the colony without the governor's pass.

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This regulation was evaded, however, by Increase Mather, against whom Randolph had commenced a suit for defamation of character—a species of warfare successfully employed against Randolph himself in former years. Mather avoided the service of the writ, and secretly embarked for England, loaded with complaints against the governor.

1688. April.

Andros meanwhile undertook an expedition to Penobscot, and, under pretense that the English limits extended to the St. Croix, he plundered the fort and trading house of the Baron St. Castin, successor of D'Aulney and La Tour in the Indian traffic on that coast. Castin revenged himself by stirring up the Eastern Indians, over whom he had great influence, to attack the English settlements.

Under a charge of violations of the acts of trade, writs of *Quo Warranto* had been issued against the proprietaries of East and West Jersey, a proceeding which they thought it useless to resist. Both these provinces, along with New York, which, by James's accession to the throne, had become a royal province, were presently annexed to the government of New England, and placed under the command of Andros, whose commission now included, if we except Pennsylvania, the whole extent of the original New England. Hastening to New York to supersede Dongan, toward whom he cherished no very good feeling, Andros installed Francis Nicholson as his lieutenant there. That province he found almost at open war with Canada, chief reason, it is probable, of Dongan's removal. The invasion of the country of the Five Nations by the French, the fort they had lately built at Niagara, and their recent attempt to occupy the mouth of the Mississippi—events to be narrated in the next chapter—had greatly alarmed Dongan, who, fearing the

total loss of the fur trade, had been led into a sharp correspondence with the French governor-general. The Dutch and English fur-traders had not ventured further west than the country of the Senecas, at the east end of Lake Ontario; till, anxious to rival the recent enterprises of the French, Dongan had lately encouraged an adventurous party, after wintering among the Senecas, to penetrate to the distant Ottawas and Hurons, residing near 1686.
the Straits of Mackinaw. But this the Canadians regarded as an encroachment, and they also complained that, notwithstanding a recent treaty of neutrality, as respected America, between their respective sovereigns in Europe, Dongan still continued to stimulate and to aid the Five Nations in the war they were carrying on against Canada. A second party which he had attempted to send to Mackinaw had been intercepted and made 1787.
prisoners by the French; and, dreading to be attacked even at home, Dongan had ordered *Schenectady* to be stockaded, and had levied two hundred men for the defense of Albany—an alarm not wholly dissipated by the sending back of the prisoners. To meet the expenses thus incurred, the governor and council had levied a direct tax of £3200; but the council, as well as the inhabitants, complained loudly of the burden, and insisted that the neighboring colonies ought to be made to contribute. Dongan, indeed, had warmly urged the annexation, since the surrender of their charters, of the Jerseys, and of Connecticut and Rhode Island, to New York; but he desired to shift off upon Massachusetts the remote county of Cornwall, with the costly occupation of Pemaquid.

The ravages of the Indians on the eastern frontier soon recalled Andros to that quarter. After a vain attempt Nov
at conciliation, he marched against the Indians with seven hundred men. They fled, and he pursued through

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the snow. He built some forts for defense on the Androscoggin, but did not succeed in bringing the Indians to
1688. terms. Meanwhile the people of Massachusetts showed their disgust at his rule by refusing to observe the annual thanksgiving, that ancient festival of the colony, of which Andros, in accordance with previous usage, had assumed the appointment.

While Massachusetts was thus discontented, a revolution was on foot in England. The birth to James of an infant son and heir, threatening to fix a popish dynasty on the country, overthrew the hopes hitherto cherished of a Protestant succession in the persons of James's daughters, Mary and Anne. The Declaration of Indulgence, and the imprisonment of the six bishops, had roused against James the High Church and High Tory party, hitherto his main support. The down-trodden Whigs recovered their courage. William of Orange, the ablest Protestant prince in Europe, Stadtholder of Holland, and husband of Mary, James's eldest daughter, upon repeated
Nov. 5. invitations, presently landed in England with a body of Dutch troops; and James, finding himself deserted by his soldiers, his ministers, and even his family, sought safety in flight.

1689. News of the landing of William in England, and a
April 4. printed copy of his Declaration, presently reached Boston by way of Virginia. Rumors of change had recalled Andros from the eastward; but he affected to disbelieve the news, and imprisoned those who brought it. The people, however, gave eager credence to a story so con-
April 18. formable to their wishes, and a popular insurrection was soon arranged. The commander of the Rose frigate, which lay in the harbor, was seized as he landed from his ship. The sheriff, who sought to disperse the mob, was made prisoner. The militia assembled in arms at the

town house, and organized under their old officers. Andros, in alarm, retired with his council to a fort within the town, which crowned a hill near the water's edge, still known as Fort Hill. Bradstreet, now an old man of eighty-seven, having caught the eye of the assembled militia, was reproclaimed as governor, and the magistrates under the old charter, with some other of the chief inhabitants of Boston, formed themselves into a Council of Safety. A Declaration, from the ready pen of Cotton Mather, was published, and Andros was summoned to surrender. The water battery was taken without resistance, those who held it retiring into the upper fort. A barge, sent from the frigate to take off the governor and his party, was intercepted and captured. The guns of the battery being turned against the fort, Andros yielded; and, along with Dudley, Randolph, and his other chief partisans, was committed to prison. Aware of having "a wolf by the ears," the more prudent leaders would have allowed the prisoners to escape; but the people were very clamorous for their punishment, and it was found necessary to detain eight of them without bail. Andros, indeed, by the connivance of a sentinel, escaped from prison; but he was arrested in Rhode Island and brought back.

1689.

Plymouth took advantage of this insurrection to reinstate her old government, with Hinckley again at its head. Connecticut also resumed her charter, now brought forth from its hiding-place, and Robert Treat was again chosen governor, an office which he held for the next seven years. Similar steps were taken in Rhode Island, though there was some difficulty there in finding magistrates willing to assume the responsibilities of office. Henry Bull, a sturdy Quaker, governor four years before, at last consented to accept that place.

May.

In Massachusetts the question of the resumption of

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the charter was referred to the people in their town meetings; they voted, by a large majority, to resume it; but
1689. the Council of Safety feared to commit themselves; and some, who desired certain modifications in the charter, would only agree to carry on the government temporarily, "till, by direction from England, there be an orderly settlement." The moderate party, now numerous and powerful, were, in fact, opposed to the re-establishment of the charter government without essential changes.

May 26. Meanwhile, information having arrived of the accession of William and Mary, these revolutionary sovereigns had been joyfully proclaimed. To solicit the affairs of the colony at the English court, Sir Henry Ashurst, a person
June. of note among the English Dissenters, was made joint agent with Mather; and Cooke and Oakes, two very zealous partisans of the old charter, were added on behalf of the deputies.

The "dominion of Virginia"—a style which now began to come into use—had been the first of the colonies to receive news of the Revolution; but the council had been very slow to act upon it. The people, a good deal alarmed at the prospect of a papist dynasty, and influenced by the preaching of John Waugh, a minister of Stafford county, threatened insurrection; but the council succeeded in maintaining their authority, and only after repeated commands to that effect from the Privy Coun-
May 23. cil in England were orders at length issued for proclaiming William and Mary "Lord and Lady of Virginia."

While these events transpired in New England and Virginia, New York was in a great state of agitation. The only military force in the city appears to have been the five militia companies, of which Bayard, a member of the council, was colonel, and Jacob Leisler, a wealthy merchant, originally a private Dutch soldier, the senior

captain. The good people of the city, zealous Protest- CHAPTER XVIII.
ants, were much aggrieved that a popish collector of the
customs, appointed by James's order, was still continued 1689.
in office. A rumor even spread of a terrible plot and intended massacre by the adherents of the deposed king. A mob, followed by the five militia companies in arms, surrounded the house of Leisler, who was thus induced to put himself at the head of a movement for seizing the fort. The fort was seized, and the public money in it. June 1.
The five companies did garrison duty alternately. Bayard, their colonel, attempting to disperse them, was obliged to fly for his life. Nicholson's demand for the public money was disregarded; and the militia, to the number of four hundred, signed an agreement to hold the fort "for the present Protestant power that rules in England." A Committee of Safety of ten members, Dutch, Huguenot, and English, constituted Leisler "captain of the fort." They also authorized him "to use the power and authority of commander-in-chief until orders shall come from their majesties," and "to do all such acts as are requisite for the good of the province, taking council with the militia and civil authority as occasion may require." A deputation soon arrived from Connecticut to congratulate the "loyal and noble captain." They urged perseverance, and promised, toward holding the fort, ten men or their pay. Leisler addressed a letter to the new king, setting forth the grounds of his proceedings, and accounting also for the expenditure of the public money seized in the fort. He had employed a part of it in the erection of a new battery of six guns at the southern extremity of the city, to protect the harbor against hostile cruisers.

Finding that Leisler carried the great body of the inhabitants with him, and was likely, also, to be supported

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from New England, Nicholson adopted the advice of his council, and departed for the mother country to give an account of the state of affairs, and to represent "how fatal it had been for New York to be annexed to Boston."

1689. August. The members of the council retired to Albany, where they still claimed to be the true governors of the province, professing, indeed, no less zeal for the new sovereigns than Leisler himself, whom, at the same time, they denounced as a "Philistine" and "arch rebel."

Leisler found a new assistant in his son-in-law Milbourne, once a servant, it was said, who now arrived from England, and was appointed his secretary. Alarmed by a threatened attack from Canada, Albany had asked aid of New York, and Milbourne proceeded thither with three vessels and fifty soldiers. But as the members of the old council refused to recognize Leisler's authority or to give up the fort, after some altercation, to avoid bloodshed. Nov. Milbourne came back again, leaving Albany to its fate. Thereupon the Albanians asked, and, much to Leisler's dissatisfaction, obtained aid from Connecticut.

Maryland also, as well as New England and New York, became the scene of an anti-Catholic revolution. During Lord Baltimore's absence in England to attend to the suit against his charter, the ultra-Protestant party in that province found a new leader in one Coode, late a confederate in Fendal's insurrection, but who, at that time, had escaped conviction. Taking occasion from a March. treaty with the neighboring Indians, just then renewed, and attended with the customary distribution of presents, Coode spread a story that the papists who administered the government had leagued with the Indians to cut off the Protestants. The Protestants in the colony were far more numerous than the papists, to say nothing of assistance to be expected from Virginia and the other

colonies. Yet this ridiculous story easily found credit among heated partisans, anxious to believe it. Discontents and suspicions were still further aggravated by the delay of President Joseph and the council to proclaim the revolutionary sovereigns. Informed of this delay, the ministers of William threatened Lord Baltimore with parliamentary inquiry and the loss of his charter. He sent out a special messenger, with renewed orders to proclaim William and Mary. But, before those orders arrived, a revolution had broken out. Coode, lately convicted of blasphemy and treason, marched, at the head of seven hundred men, upon St. Mary's, which the militia refused to defend. St. Inigoe's Fort surrendered upon capitulation; and Coode and his associates, taking the title of the "Association in arms for the defense of the Protestant religion," issued a manifesto against Lord Baltimore, full of exaggerations and falsehoods, and called a Convention to take the affairs of the province into consideration. Though all the counties were not represented, this Convention did not hesitate to depose Lord Baltimore on the charge of misgovernment, and, having proclaimed William and Mary, to insert their names into all public acts in place of the proprietary's. To these new sovereigns they transmitted an address, and a letter to Leisler at New York.

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1689.

July.

August

Mather, who carried with him an address from the ministers, thanking James, on behalf of themselves and their brethren, for his Declaration of Indulgence, arriving in England while King James was yet in power, had been graciously received by that monarch. But, though repeatedly admitted to an audience, his complaints against the royal governor had produced no effect. The Revolution intervening, he hastened, with greater hopes of success, to address himself to the new king, and his remon-

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strances prevented, so far as Massachusetts was concerned, the dispatch of a circular letter confirming the
1689. authority of all colonial officers holding commissions from James II. The letters actually received at Boston authorized those in authority to retain provisionally the administration, and directed that Andros and the other prisoners should be sent to England. Similar letters were sent to Maryland, under authority of which the insurgents of that province retained the administration for the next three years.

Some three months later, and shortly after Milbourne's
Dec. return from Albany, a royal letter arrived at New York, addressed to "such as, for the time being, administer affairs," inclosing a commission as governor for Nicholson. As Nicholson was absent on his way to England, Leisler, quite intoxicated with command, construed the king's letter into a confirmation of his authority. He assumed the title of lieutenant governor, issued warrants to arrest Bayard, Van Courtlandt, and Nichols, his most active opponents; sent an officer anew to Albany to demand the surrender of that city; and presently called an Assembly to provide means for carrying on the war against Canada, in which the accession of William had involved New York and New England.

Mather, meanwhile, was zealously urging, at the court of William III., the cause of his constituents. But the complaints against Andros, cooly received by the Privy Council, were dismissed by order of the new king, on the ground that nothing was charged against the late governor which his instructions would not fully justify. The charters of Connecticut and Rhode Island, never having been formally annulled, and having already been reassumed, were pronounced by the English lawyers still in full force. Had Massachusetts resumed with equal

promptitude and decision, her charter, it is possible, might also have been preserved; but the Council of Safety having preferred, as we have seen, to wait for authority from England; the moderate party wishing, indeed, for some modifications in the government, the English lawyers held that the judgment which Massachusetts had persisted in braving was binding and valid in law until reversed by writ of error, of which there was little or no hope. In soliciting from King William a restoration of the charter, Mather and his colleagues found warm support from the leaders of the Presbyterian Nonconformists, to whom the recent revolution had restored a degree of political influence. Even Tillotson, the Low Church and Latitudinarian archbishop, spoke a word in their behalf; while the Convention Parliament—that which had arranged with William the terms of his accession to the throne—denounced the taking away of the New England charters as a grievance. A bill to set aside the judgment of forfeiture was introduced into that body, but its progress was cut short by an unexpected dissolution. From the succeeding Parliament, in which the Tory and High Church interest was more powerful, there was nothing whatever to hope. King William promised, indeed, a new charter, but his notions of prerogative were high, and Somers, his principal counselor, insisted upon important modifications. The new charter, as presently granted, differed very materially from the old one. That independence which Massachusetts, since its first plantation, had so pertinaciously claimed and so largely enjoyed, was destined to undergo a long suspension. Theocracy, which had founded and so long had ruled the colony, deprived of its political supremacy, and reduced to a mere party in the state, was to see, one after another, all its favorite ideas of social polity aban-

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doned, not, however, without lingering in the laws of the province, and still more so in the spirit of the people, leaving, indeed, to this day many evident and characteristic traces of its former empire.

1685 The Quaker proprietor of Pennsylvania continued to enjoy under James II. the same favor bestowed upon him by the Duke of York. The charter of Pennsylvania was the only one in America against which a *Quo Warranto* was not issued, while in the controversy with Lord Nov. Baltimore, the Privy Council assigned to Penn half of the territory north of the latitude of Cape Henlopen, between the Delaware and the Chesapeake. But, though Penn kept the favor of his sovereign, he was near losing the good will of his colonists. The Assembly, discontented at its subordinate position, assumed the right of suggesting laws, which the frame had reserved to the governor and council; and, like all such bodies, struggled continually to enlarge its powers. Moore, the chief justice, a member also of the Assembly, opposed these pretensions; but he was met by an accusation of arbitrary conduct in office, was expelled the Assembly, and impeached; and the secretary of his court, upon refusing to give up the records, was committed to prison. Penn interfered to put a stop to these violent proceedings; and, little satisfied with the conduct of the council, which he accused of a "most slothful and dishonorable attendance and neglect of business," he intrusted the executive authority to five commissioners, of whom Moore and Lloyd were two. He complained that no provision was made for the support of government, nor for the reimbursement of the heavy expenses he had encountered; and that, so far from new grants of money, Lloyd, without consulting him, had "complimented some few selfish spirits" with the repeal of the impost—a tax, to

which the proprietary, though willing to suspend its immediate collection, seems to have looked as a future permanent revenue for his family. The colonists thought that the proprietary had enriched himself at their expense by the receipt of £20,000 for lands, upon which the quit-rents, if paid, would have amounted to £500 annually. But Penn complained that his expenditures, which were somewhat extravagant, had exceeded his receipts by five or six thousand pounds; that his quit-rents were not paid; and that, since his departure, he had not received even "the present of a skin or a pound of tobacco." He had not been furnished with copies of the laws passed during his absence; and he alleged that, did he choose to take advantage of it, the Assembly, by its misconduct, had, over and over again, forfeited the privileges which he had granted. CHAPTER XVIII. 1685.

Wearied out with these complaints, Thomas Lloyd begged to be excused from further service, and Penn presently gave a commission as lieutenant governor to John Blackwell, no Quaker, but formerly a military officer under Cromwell, a son-in-law of General Lambert, at the time of his appointment a resident in New England. Blackwell insisted on the rights of the proprietary with the imperious sternness of military manners, and a year of violent discords followed, to which Penn put a stop by restoring the executive authority to the council; not, however, without a charge that no laws should be passed except with a proviso subjecting them to his approval— one of the points upon which Blackwell and the Assembly had disagreed. Meanwhile, a printing press, the third in America, was set up at Philadelphia. A public high school was also established, to which Penn gave a charter. Dec. 1687. 1689

The people of the three lower counties had evinced for some time a growing jealousy of Philadelphia and the

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new settlements up the Delaware. Fearing to be soon reduced to comparative insignificance, and not altogether relishing a Quaker supremacy, they began to question by what authority they had been annexed to Pennsylvania, and, indeed, whether Penn had any rights at all of jurisdiction over a territory of which he might possess the property by deed from the Duke of York, but of which he had no royal patent conveying rights of government. Penn wrote, indeed, to some of his friends in those counties, claiming to have a royal patent, and authorizing them, should there be occasion for it, so to allege; but no other proof of the existence of such a document any where appears. No doubt he had intended to obtain one, but was prevented by the Revolution which drove James from his throne. Penn, after the recall of Blackwell, left the question of the appointment of a deputy to the discretion of the council. On this point a difference arose, and Markham, with the six Delaware counselors, seceded, and set up a separate government an arrangement to which Penn reluctantly consented, appointing Markham his deputy for the Delaware counties, and Lloyd for Pennsylvania.

1689.

1690. Feb.

The downfall of James II. was fatal to Penn's favor at court. His favor, indeed, with the deposed monarch now became a source of suspicion against him. He was twice arrested on a charge of treasonable correspondence with the fugitive king, but was discharged for want of proof. Hardly safe at home, he again turned his thoughts to America, where he proposed to found a new city on the banks of the Susquehanna; but, just as he was getting ready to embark, he was accused a third time by an unprincipled informer, to shield himself against whose perjuries he judged it best to keep concealed; whereupon an order of the Privy Council deprived him of the administration of both provinces

anuary.

CHAPTER XIX.

NEW FRANCE. THE REGION OF THE GREAT LAKES AND THE MISSISSIPPI.

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WE have had occasion, in previous chapters, to notice the origin and progress of the French settlements on the Bay of Fundy and the banks of the St. Lawrence—settlements cotemporaneous with the oldest English colonies in America. The dividing ridges of mountains between the eastern and western waters long opposed to the explorations of the English a barrier regarded as almost impassable. Devoted chiefly to agriculture, the fisheries, and maritime trade, the English colonists had little stimulus to interior exploration. Confined to a narrow strip along the sea-coast, they had remained for three quarters of a century with no knowledge of what lay beyond it, except some vague reports derived from the French and the Indians.

The fur traders and missionaries, who shared between them the enterprise of New France, were led, by their very callings, to much more extensive explorations, for which, indeed, the St. Lawrence and its tributaries offered facilities which the English did not possess. The founder of Quebec, justly denominated the father of New France, had himself visited, in three warlike expeditions, 1609.
the country of the Iroquois, lying about the head of the lake to which he gave his own name, and stretch- 1610
ing thence westward, along the south shore of *Lake Ontario*. The inveterate hostility of the Mohawks stopped the progress of the French toward the south;

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prevented them perhaps from anticipating the Dutch in occupying the upper waters, if not, indeed, the whole course of the Hudson. Cut off in that direction, Fathers Le Caron, Sagard, and other Franciscan missionaries of the Recollect order, whom Champlain had carried to Canada, followed the footsteps of that enterprising explorer in penetrating along the north shore of Lake Ontario till they reached the rivers flowing into Lake Huron. Kirk's brief conquest interrupted these explorations. Cotemporaneously with the settlement of Massachusetts Bay, Canada, restored to its original occupiers, passed to the Company of New France. The Jesuits having, at the same time, obtained a monopoly of the Canadian missions, entered upon their work with characteristic zeal, giving here, as elsewhere, striking proofs of an energy which made that celebrated order the admiration of Catholics and the terror of Protestants.

1620. 1625. 1626. 1632.

There were already some Jesuit missionaries in Canada, and others soon arrived. Brebeuf and Daniel, two of their number, with a party of Hurons, ascended the Ottawa, the great western tributary of the St. Lawrence, and, after infinite labors and fatigues in rowing up stream, reached the eastern projection of *Lake Huron*, known now as the Manatouline, or Georgian Bay, but called by the French missionaries *Lake Iroquoise*. Among the Hurons on the borders of this lake and its tributary streams, particularly along the outlet of *Lake Toronto*—on many modern maps called Lake Simcoe—six missions were soon established, and many Indian converts were made. Now and then one of these fathers would make a voyage to Quebec in a canoe, with two or three savages, paddle in hand, exhausted with rowing, his feet naked, his breviary hanging about his neck, his shirt unwashed, his cassock half torn from his lean body, but with a face

1634.

full of content, charmed with the life he led, and inspiring by his air and his words a strong desire to join him in the mission. CHAPTER XIX. 1634.

The news of this success excited much enthusiasm among the pious French Catholics, and soon led to the endowment of a Jesuit college and school for Indian children at Quebec, followed by a hospital, and an Ursuline convent for the education of girls—institutions co-temporary in their origin with the Puritan college at Cambridge, in New England. 1635. 1637. 1638.

Montreal, occupied, with many religious ceremonies, as a missionary station, and specially consecrated to the mother of God, offered a convenient point of intercommunication between Quebec and Lake Huron. Under M. de Montmagny, who succeeded, on Champlain's death, to the governor generalship of New France, the missions continued to extend themselves. Coasting the northern shores of Lake Huron in birch bark canoes, Raymbault and Jogues reached the distant country of the Chippewas, at the foot of the falls of St. Mary. 1642. 1636. 1641.

The missionaries were not ignorant of Lakes Ontario and Erie, and of the access they afforded toward the regions of the southwest. But the hostility of the Iroquois—feebly supported as the colony was by supplies and aid from France—prevented explorations in that direction. The Mohawk war parties even beset the stream of the St. Lawrence, and some of the missionaries fell into their hands. Such was the fate of Jogues on his return from the Chippewas. He was obliged, at three successive villages, to run the gauntlet, according to an Indian custom, between two rows of savage tormentors, who struck at him as he passed. But he escaped with his life, and, as we have seen already, owed his rescue from captivity, if not from death, to the active 1642. 1643.

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humanity of Van Cuyler, the Dutch commandant at Rensselaerswyk. On his voyage from New Amsterdam
1643. —for he could only reach Canada again by first going to France—Father Jogues was shipwrecked on the English coast near Falmouth, where he experienced treatment of which even the Iroquois would have been ashamed, being plundered by the wreckers, and stripped even of the clothes on his back. A year or two after, the Dutch performed a like good office for Father Bressani, another
1644. Jesuit who had fallen into the hands of the Iroquois.

With equal enterprise and energy the Jesuit missionaries penetrated toward the East. Following the steps of Indian guides, sent to Quebec to ask for a mis-
1646. sionary, Dreuillettes crossed from the St. Lawrence to the sources of the Kennebec, down which river he descended to its mouth, and thence coasted to the eastward till he reached the missionary station, which, under the patronage of D'Aulney, some Franciscans had established on the Penobscot. There had been, indeed, as we have seen in a former chapter, still earlier French missionary stations on that coast, years before the settlement of Massachusetts Bay, or even of Plymouth. On the favorable report of Dreuillettes, measures were taken for establishing in that region a permanent Jesuit mission.

The French traders who collected furs from the Indians, and supplied them, in return, with European goods —blankets, cloths, hatchets, knives, arms, and ornaments —appear to have been more just, or, at least, more complaisant, considerate, and polite than their English rivals in the same traffic. The French missionaries, better acquainted than their Puritan cotemporaries with human nature and the philosophy of religious influence, were more moderate in their demands, and more tender in

their treatment. Instead of seeing, like the Puritans, in the superstition of the Indians a detestable idolatry or the worship of the devil, they perceived in it the operation of that same religious sentiment on which their own system rested—a sentiment not to be extinguished, but insensibly diverted to new observances and associated with new ideas. Though themselves enthusiasts of the highest pitch, they asked not so much of their converts, ecstasies and metaphysics, of which only a select few are capable, as admiring reverence and ceremonial observances, which ever constitute the religion of the mass. Themselves in the highest degree self-denying and ascetic, surpassing in this respect even their Puritan rivals, they yet looked with fatherly indulgence on the human weaknesses and easily besetting sins of their converts. Those converts were admitted to all the privileges of French subjects; intermarriages became frequent—for prejudices of caste were much less strong on the part of the French than of the English—and thence resulted a mixed race, the Canadian "coureurs of the woods," boatmen and woodsmen, combining the hardihood and activity of the Indians with the more docile, manageable, and persevering temper of the French. To their more genial, social, accommodating spirit, not less than to their superior numbers and ampler resources, but most of all to their untiring and devoted zeal, we must ascribe the superior success of the Jesuit missionaries. Those employed in New France had some dozen in their ranks not less zealous than Eliot and far more enterprising, whose travels and adventures, as recorded in their annual relations, show religious influences and theocratic ideas not less operative in the first explorations of the distant West than in the original settlement of New England.

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1646.

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"It is certain," says Charlevoix, "as well from the annual relations of those happy times, as from the con-

1646. stant tradition of that country, that a peculiar unction attached to this savage mission, giving it a preference over many others far more brilliant and more fruitful. The reason no doubt was, that nature, finding nothing there to gratify the senses or to flatter vanity—stumbling blocks too common even to the holiest—grace worked without obstacle. The Lord, who never allows himself to be outdone, communicates himself without measure to those who sacrifice themselves without reserve; who, dead to all, detached entirely from themselves and the world, possess their souls in unalterable peace, perfectly established in that child-like spirituality which Jesus Christ has recommended to his disciples as that which ought to be the most marked trait of their character." "Such is the portrait," adds Charlevoix, "drawn of the missionaries of New France by those who knew them best. I myself knew some of them in my youth, and I found them such as I have painted them, bending under the labor of a long apostleship, with bodies exhausted by fatigues and broken with age, but still preserving all the vigor of the apostolic spirit; and I have thought it but right to do them here the same justice universally done them in the country of their labors."

Whatever the success of the French missionaries among the more northern and western tribes, they encountered in the Iroquois, or Five Nations, firm and formidable opponents. That celebrated confederacy, besides subject tribes, included five allied communities: the Senecas, the Cayugas, the Onondagas, the Oneidas, and the Mohawks; which last, as being nearest to their settlements, often gave, among the English, a name to the whole. Each of these five nations was divided into three clans, dis

tinguished as the bear, the tortoise, and the wolf. Their castles, rude forts, places of protection for the women, children, and old men, surrounded by fields of corn, beans, and squashes, the head-quarters of the several tribes, were situated on those waters of central New York, of which the names serve as memorials, and now almost the only ones, of their ancient possessors. Some slender remnants of this once powerful confederacy still linger, however, on small reservations of their ancient territory. It was in courage, ferocity, and warlike enterprise, far more than in social institutions or the arts of peace, that the Iroquois surpassed the tribes of Algonquin descent on their eastern, southern, and western borders. It was not against those tribes as Algonquin that the Five Nations carried on war, for their hostility was directed with even greater fury against the Hurons and Wyandots, who dwelt along the St. Lawrence and north of Lake Ontario, and who spoke dialects of the same language with themselves. The early alliance of the French with those tribes had rendered the French colonists objects of implacable hate to the Five Nations.

CHAPTER XIX. 1646.

In vain, during a short interval of peace, strenuous efforts were made to establish a spiritual influence over these fierce warriors. Father Jogues, whose captivity had made him acquainted with the chiefs, having returned again to Canada, was sent among them as embassador and missionary—a dangerous service, in which he met the death he had formerly escaped.

Supplied with fire-arms by the Dutch, and rendered thus more formidable than ever, the Iroquois renewed a war by which the missionaries and their converts were equally endangered. Daniel, the venerable father of the Huron mission, expired in the midst of his flock, sur- 1648.
prised and massacred by a Mohawk war party. Bre-

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beuf and Lalamand, taken prisoners, were burned at the stake; Garnier perished by the hatchets of the Iroquois;
1649. Chabanel was lost in the woods. The Huron missions, by these renewed onslaughts, were completely broken up. The Hurons, Wyandots, and Ottawas, greatly reduced in numbers, and driven from their country, which became a hunting ground for the Iroquois, sought refuge and new homes on the southern and western shores of Lakes Erie and Huron. Mohawk war parties harassed the banks of the St. Lawrence. The unhappy colonists lived in daily dread of massacre. Quebec itself was not safe. This emergency caused an embassy to ask aid of
1651. New England, as mentioned in a former chapter, or, at least, a free passage for war parties of the Eastern tribes under French influence in their march against the Mohawks—a request borne by John Godefroy, one of the council of New France, and Dreuillettes, former explorer of the passage from Quebec to the eastern coast, described in his commission as "preacher of the Gospel to savage nations." But the Commissioners for the United Colonies of New England listened with but a cold ear to the story of the martyrdom of the French missionaries and the sufferings of their Indian converts. No aid could be obtained in that quarter; yet, after two or three
1654. years of perpetual alarms, the Iroquois consented at last to a peace. Again the attempt at conversion was renewed, and now with more hopes of success, since many of the Huron captives, incorporated into the tribes of the Iroquois, still retained some tincture of their former in-
August. structions. Le Moyne, after a visit to Onondaga, during which he discovered the salt springs there, established himself among the Mohawks; Chaumonot and Dablon found a more promising field among the Onondagas; Mesnard was kindly received by the Cayugas; and pres-

ently Chaumonot, leaving Dablon to prosecute the Onon- CHAPTER XIX.
daga mission, made his way among the Senecas, the
most western, and, at the same time, the most numerous
and powerful tribe of the confederacy. Fifty French- 1656.
men from Montreal sat down on the shores of Lake
Onondaga. But this attempt at settlement excited jeal-
ousy. Old hatreds were not yet forgotten. The mis-
sionaries lived in constant danger. The colonists soon
found themselves obliged to fly for their lives, and the 1658.
war was renewed as fiercely as ever. 1659.

It was at this time that the Abbé Montigny, the first bishop of New France, arrived at Quebec. At the same time came a deputation of priests of the seminary of St. Sulpice at Paris, an institution devoted to foreign missions, to which the Island of Montreal had been granted in fief. They laid the foundation of the present city by establishing a hospital, endowed with gifts from France, whence came also some religious women to serve it. To the unassisted energy of Marguerite Bourgeoise the institution of the Daughters of the Congregation owes its origin. "With no other resource than her courage and her confidence in God," she undertook the establishment of a convent at Montreal, to secure for all female children, however poor and destitute, a useful and respectable education; and the Daughters of the Congregation, to a great extent, fulfilled her intentions. The Lords of Montreal were very choice in the selection of inhabitants. The whole island, we are told, resembled a religious community.

The new bishop brought with him some ecclesiastics, who began now to fulfill the duties of parish priests, hitherto performed by the Jesuits. A seminary for the education of Jesuits was shortly after established at Que- 1662
bec. There was a much closer resemblance than is com-

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monly supposed between the settlers of New France and those of New England. Both aimed at establishing a
1659. theocracy. That, however, of the Jesuits was the more comprehensive. In the spirit of the Apostle Paul, they sought to bring all the scattered savage tribes of North America into the Christian fold; while the New England Puritans were mostly content to propagate, after the example of the Jews, a chosen and peculiar people. Montreal, twenty years after its foundation, is thus described by La Hontan: "We have here a misanthropical bigot of a curé, under whose spiritual despotism play and visiting the ladies are reckoned among the mortal sins. If you have the misfortune to be on his black list, he launches at you publicly, from the pulpit, a bloody censure. As Messieurs the priests of St. Sulpice are our temporal lords, they take the greater liberty to tyrannize over us. To keep well with them, it is necessary to communicate once a month. These Arguses have their eyes constantly on the conduct of the women and the girls. Fathers and husbands may sleep in all assurance, unless they have some suspicions as to these vigilant sentinels themselves. Of all the vexation of these disturbers, I find none so intolerable as their war upon books. None are to be found here but books of devotion. All others are prohibited and condemned to the flames." And the lively baron proceeds to relate how his Petronius, left by accident on his table, was mutilated by a devout priest, who took it upon himself to tear out all the best leaves, under pretense that they were scandalous. "No one dare be absent from great masses and sermons without special excuse. These are the times, however, at which the women take a little liberty, being sure that their husbands and mothers are at church."

During the short interval of peace with the French,

the Iroquois had directed their arms against the Eries, a tribe along the southern shore of the lake of that name, speaking the same language with themselves. The Eries were exterminated, and the war parties of the Iroquois presently threatened the Miamis, the Illinois, and other tribes of the Far West. CHAPTER XIX. 1659.

Some French traders had recently penetrated among those tribes, which now became anxious for French commerce and alliance as a means of defense against the Iroquois. The Jesuits were not to be outdone by the fur traders. Mesnard, late missionary among the Cayugas, made his way to the shores of Lake Superior, where he perished, lost in the woods. Le Moyne, no less intrepid, ventured to return to Onondaga; and the western clans of the Iroquois seemed inclined to peace. But the Mohawks were implacable; and Canada was again reduced to great distress. Even abandonment of the country began to be thought of. The Company of New France, reduced now to fifty-five associates, discouraged and impoverished, resigned up all their rights to the crown. 1661. 1662.

A new era had commenced in France. The youthful Louis XIV., just come of age, had lately assumed the administration. Colbert, his minister of finance, one of the first continental statesmen to perceive the growing political importance of commerce, presently formed a West India Company, principally for promoting settlement and cultivation in those islands of the Caribbean Sea, partially occupied by French adventurers during the last thirty years; and to this new and wealthier association the king transferred the province of Canada, which the Company of New France had proved so unable to defend. Tracy, an old man, but indefatigable, appointed viceroy, after regulating matters in the West Indies, proceeded to Canada with several companies of the 1664 1665

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regiment of Carignan, lately returned from Hungary, and distinguished there in the war against the Turks.

1665. Courcelles was commissioned as governor general, and Talon as intendant. The Iroquois were overawed by two military expeditions; they gave up their inroads, and forts were built at Sorel and Chambly to restrain them.

1666. Without waiting for a formal treaty of peace, Father Allouez recommenced the exploration of Lake Superior. He coasted the southern shore for a considerable distance, and obtained some knowledge of those copper mines, immemorially known to the Indians, for which that region is now becoming famous. From the Indian tribes on the lake with which he made acquaintance, Allouez heard also some vague reports of a great western river.

Having returned to Quebec after a two years' absence, this enterprising missionary was presently sent, with Dablon and Marquette, to establish the mission of *St. Mary*, on the southern shore of the outlet of Lake Superior—the first settlement of white men within the limits of our northwestern states. The activity of the Jesuits was perhaps somewhat stimulated by the fact that Talon, recently returned from a visit to France, had brought with him a number of Recollect friars, who, after forty years exclusion from Canada, had obtained leave to renew their labors there. The same jealous emulation, to be noticed in our day among rival Protestant sects, sometimes pretty emphatically expressed, displayed itself among the Catholic missionaries. The Recollects established a large monastery at Quebec; and the jealousy which sprung up between them and the Jesuits, as well as the growing freedom of the times, which spread even to Canada, contributed somewhat to diminish the priestly power in that country.

The peninsula between Lake Superior and Green Bay

was soon explored. *Milwaukie*, *Chicago*, and *St. Jo-* CHAPTER XIX.
seph's were visited, and relations of friendship established, _____
and missions planted among the tribes on Lake Michi- 1672.
gan. From these tribes new accounts were heard of that great western river of which Allouez had been told; and Marquette, who had for some time cherished the idea of such an enterprise, was presently deputed by the Intendant Talon to add, along the banks of that river, new regions to the dominion of France, and new missions to the empire of the Jesuits. For the purpose of that exploration, he left the station of St. Ignatius, on the northern 1673
shore of the Strait of Mackinaw, accompanied by Joliet, a trader of Quebec, and five other Frenchmen, with a number of Indian guides. They paddled up Green Bay in birch bark canoes, ascended Fox River to the head of navigation, and crossed the portage to the banks of the Wisconsin. The Indian guides stopped here, afraid to venture further into a region inhabited by the hostile Sioux, and concerning which many frightful fables were told. The adventurous Frenchmen, thus left to themselves, again launched their canoes, and, after seven days' descent of the Wisconsin, delighted and exulting, they entered the MISSISSIPPI, that "great river," for so June 17.
the name imports, of which they were in search.

Floating down with the current, and passing in succession the mouths of the Des Moines, the Illinois, the Missouri, and the Ohio, they kept on as far as the Arkansas, beginning to encounter, as they proceeded, decided evidence of a southern climate. They were now among the Chickasaws; and at some villages where they landed they found the inhabitants in possession of tools, arms, and ornaments of European manufacture, derived, as they supposed, from the Spaniards of Mexico. The lower course of the river, according to these Indians,

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was infested by dangerous and hostile tribes; and satisfied now that the discharge must be, not into Chesapeake
1674. Bay or the Gulf of California, as had been conjectured, but into the Gulf of Mexico, and fearful, if they proceeded, of losing the fruits of discovery by falling into the hands of the Spaniards, who still jealously asserted their exclusive claim to the whole coast of the Mexican Gulf, Marquette and his companions turned about, and painfully made their way back again up the stream.

When they reached the mouth of the Illinois, perceiving that river to come from the northeast, and justly hoping to find a shorter route to Lake Michigan, they entered and ascended to its head, encountering along its whole course only a single Indian village. Having crossed the short portage from the upper waters of the Illinois to Chicago, they again launched their canoes on the waters of Lake Michigan and paddled back to Green Bay. Marquette resumed his missionary labors; Joliet proceeded to Quebec with news of the discovery, an account
1681. of which was published at Paris a few years after. For his services in this exploration Joliet received a grant of the large but barren island of Anticosti, near the entrance of the St. Lawrence.

The extensive region thus brought for the first time to the notice of Europeans seems, at the time of its discovery, to have been very thinly inhabited. The fertile plains of Illinois and the adjacent territories, washed by the Upper Mississippi and the Lower Ohio, though annually visited by migrating herds of buffalo, were, on the whole, but indifferently supplied with those spontaneous products on which the Indians chiefly relied for food. The smooth-running rivers were scantily furnished with fish, and there were no falls to assist in their capture. In the whole voyage from the Wisconsin to the Arkansas

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the explorers had passed only two or three Indian villages. The rugged shores of Lake Superior and the northern region of that vicinity, well supplied with fish, fowl, and wild rice, could boast a much more numerous aboriginal population. 1674.

Among other adventurers who had passed over to New France since its transfer to the French West India Company was the young La Salle, a native of Rouen, educated as a Jesuit, but who went to Canada to seek his fortune by discovering an overland passage to China and Japan. After giving proofs of sagacious activity by explorations in Lakes Ontario and Erie, he had returned to France, and had obtained there from the king, to whom Canada had reverted since the recent dissolution 1675.
of the West India Company, the grant of *Fort Frontenac*, a post at the outlet of Ontario, on the spot where Kingston now stands, built three years before by the Count de Frontenac, who had succeeded at that time to the office of governor general. On condition of keeping up that post, La Salle received the grant of a wide circuit of the neighboring country, and an exclusive right of trade with the Iroquois, as a check upon whom the fort had been built. But his ardent and restless disposition was not thus to be satisfied. Fired by reports of the recently discovered great river of the West, while Virginia was 1677
distracted by Bacon's insurrection, and New England yet smarting under the effects of Philip's war, La Salle left his fur trade, his fields, his cattle, his vessels, and his Indian dependents at Fort Frontenac, and, repairing to France a second time, obtained a royal commission for perfecting the discovery of the Mississippi, and, along with it, the monopoly of the trade in buffalo skins, which seemed likely to prove the chief staple of that region.

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Thus successful in his mission, La Salle returned to Fort Frontenac with men and stores to prosecute his enterprise, accompanied by the Chevalier Tonti, an Italian soldier, who acted as his lieutenant. Before winter, he ascended Lake Ontario, entered the Niagara, and, passing round the falls, selected a spot at the foot of Lake Erie, not far from the present site of Buffalo, where he commenced building the "Griffin," a bark of sixty tons. This bark, in the course of the next summer, was equipped with sails and cordage brought from Fort Frontenac, and in the autumn, first of civilized vessels, she plowed her way up Lake Erie, bearing La Salle, Tonti, the Flemming Hennepin, and several other friars of the Recollect order. Thirty sailors, boatmen, hunters, and soldiers made up the company. Having entered Detroit, "the strait" or river at the head of Lake Erie, they passed through it into that limpid sheet of water, to which La Salle gave the characteristic name of St. Clair. Hence they ascended by a second strait into Lake Huron, and through the length of that great lake, by the Straits of Mackinaw, into Lake Michigan, whence they passed into Green Bay, and, after a voyage of twenty days, cast anchor at its head, thus first tracing a passage now fast becoming one of the great highways of commerce.

1678.

Nov.

1679.

Aug. 7.

Aug. 27.

The Griffin was sent back with a rich lading of furs, under orders to return with provisions and supplies, to be conveyed to the head of Lake Michigan; but, unfortunately, she was shipwrecked on her homeward passage. La Salle and his company proceeded, meanwhile, in birch bark canoes, up Lake Michigan, to the mouth of the St. Joseph's, where already there was a Jesuit mission. Here they built a fort called the post of the Miamis, the name by which the river was then known. La Salle, with most of his people, presently crossed to a

branch of the Illinois, down which they descended into the main stream, on whose banks, below Peoria, they built a second fort, called *Crevecœur* (Heart-break), to signify their disappointment at the non-arrival of the Griffin, of which nothing had yet been heard. CHAPTER XIX. 1680. January.

To hasten or replace the necessary supplies, the ardent and determined La Salle set off on foot, with only five attendants, and, following the dividing ridge which separates the tributaries of the lakes from those of the Ohio, he made his way back again to Fort Frontenac, where he found his affairs in the greatest confusion, himself reported dead, and his property seized by his creditors. But, by the governor's aid, he made arrangements which enabled him to continue the prosecution of his enterprise. March.

During La Salle's absence, in obedience to orders previously given, Dacan and Hennepin descended the Illinois to the Mississippi, and, turning northward, explored that river as high up as the Falls of St. Anthony. On their way back they entered the Wisconsin, and, by the Fox River, passed to Green Bay, whence Hennepin returned to Quebec and to France, where he wrote and published an account of his travels. 1683

Tonti, meanwhile, attacked by the Iroquois, who had made a sudden onslaught on the Illinois villages, fled also to Green Bay; and, when La Salle returned the next autumn with recruits and supplies, he found Forts Miami and Crevecœur deserted. Having built a new fort in the country of the Illinois, which he called St. Louis, with indefatigable energy he returned again to Frontenac, encountering Tonti on his way; and, having collected a new company, came back the same year to the Illinois, and during the winter built and rigged a small barge, in which, at length, he descended to the gulf. Formal possession of the mouth of the river was ceremoniouslv tak- 1680. Nov. 1681. Nov 1682. April 9

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en for the King of France. The country on the banks of the Mississippi received the name of LOUISIANA, in hon-
1682. or of Louis XIV., then at the height of his power and reputation; but the attempt to fix upon the river itself the name of Colbert did not succeed.

Having made his way back to Quebec, leaving Tonti
1683. in command at Fort St. Louis, La Salle returned a third time to France, whither the news of his discovery had preceded him, and had excited great expectations. In spite of representations from Canada by his enemies, of whom his harsh and overbearing temper made him
1684. many, he was presently furnished with a frigate and three other ships, on board of which embarked five priests, twelve gentlemen, fifty soldiers, a number of hired mechanics, and a small body of volunteer agricultural emigrants, well furnished with tools and provisions, in all two hundred and eighty persons, designed to plant a colony at the mouth of the Mississippi.

1695. Informed of this intended enterprise, Tonti, with twen-
October. ty Canadians and thirty Indians, descended from Fort St. Louis to meet his old commander. But La Salle, missing the entrance of the Mississippi, had passed to the westward, and, after a vain search for the river's
Feb. mouth, had landed his feeble and dispirited company at some undetermined spot on the coast of Texas. A fort was built, and named St. Louis. La Salle, with characteristic activity, in the vain hope of finding the Mississippi, penetrated and explored the surrounding country. No succors came from France; the only vessel left with the colonists was wrecked; victims to the climate, to home-sickness, and despair, they were presently
1687. reduced to thirty-six persons. In this extremity, La
January. Salle set off with sixteen men, determined to reach Canada by land; but, after three months' wanderings, he

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1687. March

was murdered by two mutinous companions. The murderers were themselves murdered; some of the men joined the Indians; finally, five of them reached a point at the mouth of the Arkansas, where Tonti, returning disappointed from the gulf, had established a little post. Having explored the coast thirty leagues east and west from the mouth of the Mississippi, he had left with the Indians nearest to it a letter for La Salle, which they delivered, fourteen years after, to the first white men who came.

The twenty men left by La Salle at Fort St. Louis obscurely perished, except three or four who escaped to Mexico, and even the site of the fort passed into oblivion. Yet France in after times claimed the region thus transiently occupied as a part of Louisiana; and the same claim was revived more than a century afterward on behalf of the United States, to which Louisiana had been transferred by purchase. Though expressly yielded up by treaty with Spain, it was even made one of the popular grounds for insisting on the annexation of Texas.

While La Salle pursued the exploration of the West, the internal administration of New France became a good deal embroiled. Frontenac did not quite agree with the Jesuits and the bishop; and he even imprisoned the Abbé de Selignac Fenelon, of the seminary of Saint Sulpice, on the charge of having presumed to preach against him. Could this have been the abbé and Saint Sulpician priest of the same name, afterward so famous in the world of religion and letters? If so, his two years' missionary residence in Canada seems to have been overlooked by his biographers. Yet he might have gathered there some hints for Telemachus.

The selling of liquor to the Indians had for some time given the missionaries a good deal of trouble. Deleterious and cruel as this traffic was, the wealthy traders

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who carried it on found means to interest not only the governor general in their behalf, but even the king's
1677. council, on the pretext that it was necessary to secure the good will of the Indians, and that the evils of it were imaginary, or very much exaggerated. For once, however, philanthropy triumphed over sordid interest. The
1678. Bishop of Quebec, having visited Paris, obtained a decree prohibiting this outrageous traffic under heavy penalties.

The disputes between the governor general and the in-
1682. tendant continued to increase. Presently they were both recalled, their places being supplied by M. De la Barre and M. Meules. De la Barre, on arriving at New France, found fresh troubles commencing with the Iroquois. He called an assembly of notables, to take the state of the province into consideration, composed of the intendant, the bishop, the principal military officers, several members of the council, the heads of the inferior jurisdictions, and the superiors of the seminary and the missions. They advised not to begin hostilities till full preparations were made; and they joined in a repre sentation to the king of the necessity of sending aid to the colony. An agent was accordingly sent to France, to whose solicitations the king granted three companies of marines. The Baron La Hontan, who has left us lively memoirs, already quoted, of his adventures and observations in New France, was an officer in one of them.

During the interval of peace with the French, the Five Nations had directed their war parties with new vigor against their neighbors of the south and west. We have already seen them pushing the tribes of the Lower Susquehanna upon the settlements of Maryland, thus causing those Indian hostilities which gave occasion to Bacon's rebellion. Subsequently they began to come in contact with the back settlers of Virginia.

The tribes west of the Blue Ridge and on the Upper Ohio, few, indeed, in numbers, were exterminated, driven away, or subdued. The Shawnese, whom Marquette had heard of as inhabiting the banks of the Lower Ohio, crossed the mountains into Carolina, and thence migrated northward to Pennsylvania. The conquests of the Five Nations, so the English presently claimed, embraced both banks of the Ohio, and reached to the Mississippi. Their war parties wandered to that distance, and some scattered tribes of that region might admit their superiority, and pay them occasional tribute. Such, also, was the case with all the tribes in what is now Pennsylvania; at all events, it became the policy of the proprietaries of that province to recognize the superiority of the Five Nations over all the Indian tribes and lands within its limits. But the Cherokees claimed the whole region south of the Kenhawa and the Ohio as their hunting ground. Even the pretensions of the Five Nations to sovereignty over the tribes northwest of the Ohio seem to rest on very slender grounds. The English, in after years, undertook to magnify those pretensions; and, in virtue of an alleged sovereignty on their part over the Five Nations, to set them up in counterpoise to the French claim by discovery and occupation, as the basis of a superior English title to the wide valley of the Ohio and the Upper Mississippi. Some claim, however, to those regions, the Five Nations appear to have had. The expedition of La Salle had excited their jealousy. They attacked, as we have seen, his post on the Illinois; and, before long, in spite of the efforts to prevent it of Lamberville, missionary at Onondaga, the war with Canada broke out anew.

CHAPTER XIX. 1682. 1683.

Dongan, governor of New York, though himself a papist, and though repeatedly instructed to keep on good

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terms with the French, was less swayed by religious partialities than by that national rivalry which, with the
1683. progress of the commercial spirit, began to run more and more in commercial channels. Regarding with alarm the efforts of the French to engross the fur trade, he did not scruple to stimulate the antipathies of the Five Nations; to furnish them with arms; and even to dissuade them from the peace solicited by the French governor.

The aged De la Barre undertook a fruitless expedition against the Iroquois, in which his army, encamped near Fort Frontenac, suffered terribly from intermittent fever.
1684. He was soon superseded by the Marquis de Denonville, who arrived at Quebec with a fresh supply of five or six hundred regular troops from France. The Intendant Meules was also soon superseded by M. De Champigny, who brought out some additional companies of marines, followed by others under the Chevalier de Vaudreuil.

As peace could not be obtained with the Iroquois, great efforts were made by Denonville to subdue the Senecas, the most western and hostile of the clans. To furnish funds for this enterprise, "card money" was issued, redeemable in bills on France—the first instance of paper money in America. Some chiefs, decoyed into Fort Frontenac, were treacherously made prisoners, and
1687. shipped to France to serve in the galleys. A force of eight hundred regulars, one thousand Canadians, and three hundred Indians, proceeded up Lake Ontario, and penetrated and ravaged the Seneca country. A fort built at Niagara served at once as a check upon the Senecas and a cover to the route from Canada through Lake Erie. But the Iroquois, in their turn, threatened invasion; and the French, terrified at the prospect, pur-
1688. chased peace by abandoning their fort, and promising to return the captives they had entrapped.

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This peace, however, was not of long continuance. New misunderstandings soon arose. The Iroquois, advancing on the Island of Montreal, attacked it by surprise, killed two hundred people, made as many prisoners, and spread terror and alarm as far as Quebec. Such was the unfortunate predicament of the French colonists when the accession of William to the English throne involved France and England in war. 1689. Aug.

Canada, though long planted, had not flourished. The soil and climate were alike unfavorable. The colonial government was a military despotism; the land was held on feudal tenures; the mass of the colonists, unaccustomed to think or act for themselves, had little energy or activity of spirit. If the missionaries and fur traders were exceptions, their number was comparatively few, and their undertakings remote and scattered, calculated to disperse over a vast extent a scanty population which amounted as yet to hardly twelve thousand persons.

Yet, with this small means, the persevering enterprise of the missionaries and fur traders had produced remarkable results. In spite of a protracted Indian war, carried on for years against the most formidable confederacy of North America, far more dreadful and destructive than any thing of the sort encountered by any English colony, the Canadians had made themselves familiar with the great lakes of the west. They had studded with missions the shores of Huron, Superior, and Michigan. They had explored the Mississippi from the Falls of St. Anthony to the Gulf of Mexico. They had traced the Fox River, the Wisconsin, and the Illinois from their sources to their mouths. All this at a period when the upper courses of the Connecticut, the Delaware, the Susquehanna, the Potomac, and the James remained as

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yet wholly unknown, and by far the greater part of the Atlantic slope of North America lay an unexamined and unknown wilderness.

The settlements of Acadie, by some years more ancient than the oldest in Canada, were still more feeble. On the Penobscot was the establishment of St. Castin, lately broken up, as we have seen, by Andros, but again reoccupied by that veteran Indian trader. At the mouth of the St. John's was another French fort and trading post, as in the time of La Tour. About the ancient town of Port Royal, and higher up the Bay of Fundy, at Beau Bassin, its westernmost head, and also around the Basin of Minas, were some feeble settlements. But the total number of French inhabitants in the whole of Acadie did not exceed two or three thousand. The Eastern Indians, however, both those of the peninsula and those of the main land, entirely under French influence, added much to the strength of the French in that quarter.

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ACCESSION OF WILLIAM III. FIRST INTERCOLONIAL WAR. MASSACHUSETTS CHARTER. SALEM WITCHCRAFT.

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THE revolution which placed William of Orange on the British thrones effectually restrained that regal power which had threatened, as well in America as in England, the total extinction of popular rights. That revolution, however, was far from being an unmixed benefit to the colonies. By strengthening the Parliament, and increasing the influence of the manufacturing class, it exposed the American plantations to increased danger of mercantile and parliamentary tyranny, of which, in the acts of trade, they already had a foretaste—a tyranny far more energetic, persevering, grasping, and more to be dreaded than any probable exercise of merely regal authority.

The main supporters of the revolutionary government were the Low Church party, fast verging at this period toward Latitudinarianism, and the Presbyterian dissenting interest, verging also the same way—a body still numerous and powerful in the English towns and cities, though many of its members were from time to time sliding back into the Church. The Low Churchmen represented the Presbyterian section of the old Puritan party; the Nonconformists stood in the place of the Independents; and they succeeded at the Revolution in establishing, as a piece of fundamental British policy, the toleration of all Protestant sects, a policy from that time forward enforced in the colonies as well as at home.

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This toleration, however, did not extend to Catholics, exposed now, without the shelter of royal favor, to the effects of that bitter traditional hatred of which they were the objects. Hence, cotemporaneously with toleration for all Protestants, the completion of that system of persecuting anti-Catholic statutes, for a century or more the opprobrium of the British code, and which did not lack imitations in America.

Though the Revolution found its truest and most certain support at the hands of the Low Churchmen and the Nonconformists who composed the party of the English Whigs, the high ideas which William entertained of regal authority inclined him to coalesce with the Tories and the High Church party. So far, indeed, as relates to the administration of the colonies, he seems to have abated nothing of any pretensions set up by his predecessors.

To the bills of rights which, in imitation of the Convention Parliament, the colonial Assemblies hastened to enact, William gave decided and repeated negatives. The provincial acts for establishing the writ of habeas corpus experienced a similar fate. That prohibition of printing, introduced by Charles II. into his instructions to the royal governors, was still continued by the new king. Even such Whig statesmen as Somers, Locke, and Chief-justice Holt still recognized in the colonies an extent of royal prerogative which they denied at home, being willing to restrict the colonists to such portion of English rights as had been specially conceded to them by some king.

"The state papers demonstrate," says the industrious Chalmers, "that the most renowned jurists of the reign of William had formed no complete conception of the nature of the connective principle between the parent country and her colonies; of the extent of the royal pre-

rogative as applied to the government of each, while the jurisdiction of Parliament was by all admitted to be co-extensive with the boundaries of the empire. Contrary to the Declaration of Rights, Chief-justice Holt advised his sovereign to assume the government of Maryland on a supposed necessity, without any form of law, with whom, however, afterward concurred Sir Edward Northey and Sir Simon Harcourt. Sir Thomas Trevor doubted how far the Marylanders were entitled to the benefit of the Great Charter. The most respectable cabinet which William III. ever enjoyed, composed of Lords Somers, Pembroke, Shrewsbury, Bridgewater, Romney, Godolphin, and Sir William Trumbull, denied to the New English the privilege of the writ of habeas corpus, because 'it had never been conferred on the colonists by any king of England,' plainly supposing that the most important of all rights, the best security of personal liberty, must result from a grant of the crown to a subject beyond the ocean. Mr. Locke, with other philosophers, solemnly advised that prince to appoint a captain general over the colonies, with dictatorial power to levy and command an army without their own consent, or even the approbation of Parliament." We may add, that Chief-justice Holt, while deciding on the bench (Smith *v.* Brown, Salkeld's Reports, 666. Holt's Reports, 495) that, "as soon as a negro comes into England, he is free;" that in England there is no slavery, wherefore an action for the price of negroes sold will not lie; admitted, at the same time, that, had the contract been set forth as made in Virginia, with an allegation that slavery was lawful there, the action might lie, "because the laws of England do not extend to Virginia; being a conquered country, their law is what the king pleases; of which we can not take notice if it be not set forth."

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Whatever the result of the accession of William upon the metropolitan relations of the colonies, upon their relations with their neighbors of Canada, and, through that medium, upon their domestic condition, it exercised a most disastrous influence, involving them in cruel and barbarizing wars, attended with immense individual suffering, vast expense, heavy debts, and all the impoverishing and demoralizing consequences of the paper money system. To understand the origin of these wars, we must cast a hasty glance at Europe. Louis XIV., celebrated by his subjects as "the great monarch," and certainly the most powerful and splendid sovereign whom Europe had yet seen, held at this time a position in European politics similar to that of Philip II. in the previous century. All his neighbors, the Dutch, the Germans, the Spaniards, the English, looked at him with dread and indignation, as aiming at an extent of dominion quite inconsistent with their safety and independence. From a mixture of religious and political motives, in which, however, the political predominated—for religion was now fast losing its political importance—the King of

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1685. France had lately revoked the Edict of Nantes, thus depriving his numerous and intelligent Protestant subjects of that toleration and those civil rights which, under that famous edict, they had enjoyed for almost a century. The cruelties to which these unhappy French Protestants were subjected to force them to conform to the Catholic faith, and their flight and dispersion throughout Europe and America, had kindled against the King of France, in all Protestant states, mingled feelings of detestation and horror; adding, also, new gall to religious hatreds, already sufficiently bitter. Even the Catholic states dreaded the ambition of Louis. Spain feared for the Netherlands, then a part of her dominions, upon which

as well as on Holland, Louis had fixed a covetous eye. CHAPTER XX.
The German princes were alarmed at a claim, set up on behalf of the Duke of Orleans, the brother of Louis, to 1688.
the inheritance of the Palatinate, the territory on the Upper Rhine. The persevering energy of William of Orange, hereditary Stadtholder of Holland, had united all these powers in a league to resist the ambitious intentions of Louis; and when, by the late revolution in England, William ascended the British thrones, those kingdoms also became parties to the war—a step to which they were disposed, not only by their terror of Catholicism and their hereditary hatred of the French, but by the element also of mercantile jealousy which had prompted the late wars with the Dutch, and which now began to exercise a very decided influence upon European affairs.
This war, already begun in Europe by the ravage of the 1689.
beautiful banks of the Rhine, was destined to extend also to America; and soon carried death and desolation into the villages of New York and New England.

The total population of the English colonies at the commencement of this first intercolonial war might have amounted to two hundred thousand; but half at least of it, south of the Delaware, and far removed from the scene of hostilities, took no part in the struggle beyond voting some small sums for the aid of New York. Yet the northern colonies alone seemed quite an overmatch for New France, and William promptly rejected that offer of colonial neutrality which a conscious weakness in that quarter had extorted from the French court. Nor was this rejection by any means disagreeable to the people of New England, who entered very eagerly into the war, nourishing dreams of conquest, destined, however to repeated and disastrous disappointments.

The French, weak as they were, entertained also sim-

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ilar schemes. It was part of their plan to secure the western fur trade, and an uninterrupted passage through Lake Erie to the Mississippi, by effectually subduing those inveterate enemies the Iroquois. They intended, also, to drive the English from Hudson's Bay, of which the possession had for some time been disputed between the French fur traders and the English Hudson Bay Company, chartered twenty years before by Charles II. (the only one of the old Anglo-American companies which still remains in existence). The French also hoped, by occupying Newfoundland, to cut off the English from that cod fishery, enjoyed in common by the nations of Europe since the discovery of America, and which now constituted a main source of the wealth and prosperity of New England, furnishing, indeed, her chief exportable product.

Since the time of Sir Humphrey Gilbert, Newfoundland had continued to be claimed by the English, but the patents successively granted had produced but small results. The policy, indeed, had been adopted of discouraging permanent settlements, from some fancied interference with the interest of the fisheries. The English, however, had posts at St. John's, and elsewhere on the eastern shore. Placentia Bay, on the southern coast, was occupied by the French.

So soon as the declaration of war between France and England became known in America, the Baron Castin easily excited the Eastern Indians to renew their depredations. In these hostilities the tribes of New Hampshire were induced also to join. Those tribes had neither forgotten nor forgiven the treachery of Waldron, at the conclusion of Philip's war thirteen years before. Two Indian women, apparently friendly, sought and obtained a night's lodging at Waldron's garrison or forti-

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hed house at Dover. They rose at midnight, opened the doors, and admitted a party lying in wait for the purpose. Waldron, an old man of eighty, after a stout resistance, was made prisoner. Placed by his captors in an elbow-chair at the head of a table in the hall, he was taunted with the exclamation, "Judge Indians now!" after which he was put to death with tortures. Twenty others were killed. Twenty-nine were carried off as prisoners. The village was burned. The fort at Pemaquid, the extreme eastern frontier, was soon after attacked by a party of Penobscots, resident in the neighborhood, instigated by the Jesuit Thury, who lived among them as a missionary. The garrison, obliged to surrender, was dismissed by the Indians, but the fort, which Andros had built, was destroyed. An attack upon Casco was repulsed by Church, the famous partisan of Philip's war, sent from Massachusetts with two hundred and fifty men. But all the settlements further east were ravaged and broken up. In hopes to engage the formidable Mohawks as auxiliaries against these eastern tribes, commissioners from Boston proceeded to Albany, then held by the members of the New York council opposed to Leisler. To these commissioners the warriors of the Five Nations expressed their fixed determination to continue the war against Canada; but they could not be prevailed upon to lift the hatchet against their Indian brethren of the East.

June 19.

Aug.

Sept.

Canada had received relief from the distress to which it had been reduced by the late inroads of the Iroquois, by the arrival of Count Frontenac from France, recommissioned as governor, and bringing with him, along with such of the Indian prisoners as had survived the galleys, troops, supplies, and a scheme for the conquest and occupation of New York. As a part of this

Oct. 15

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scheme, the Chevalier de la Coffiniere, who had accompanied Frontenac to the mouth of the St. Lawrence, proceeded to cruise off the coast of New England, making many prizes, and designing to attack New York by sea, while Frontenac assailed it on the land side. Frontenac, though sixty-eight years of age, had all the buoyancy and vigor of youth. He was a man of great energy and determination, and his former administration of the colony made him aware of the measures which the exigency demanded. The Iroquois had already retired from Montreal, and preparations were immediately made for relieving Fort Frontenac. These preparations, however, were too late, for the garrison had already set fire to the fort, and retired down the river. Means were still found, however, to keep up the communication with Mackinaw. Not able to prosecute his scheme of conquest, Frontenac presently detached three war parties, to visit on the English frontier those same miseries which Canada had so recently experienced at the hands of the Five Nations.

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In the course of the last twenty years, a number of converted Mohawks, induced to retire from among their heathen brethren, had established themselves at the rapids of St. Louis, in a village known also as Caghnawaga, on the south bank of the St. Lawrence, nearly opposite Montreal. It was chiefly these converted Mohawks, well acquainted with the settlements about Albany, who composed, with a number of Frenchmen, the first of Frontenac's war parties, amounting, all told, to two hundred and ten persons. Guided by the water courses, whose frozen surface furnished them a path, they traversed a wooded wilderness covered with deep snows. Pressing stealthily forward in a single file, the foremost wore snow-shoes, and so beat a track for the

1690. Jan.

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rest. At night the snow was thrown up toward the side whence the wind came, and in the hollow thus scooped out the party slept on branches of pine, round a fire in the midst. A little parched corn served them for provisions, eked out by such game as they killed. After a twenty-two days' march, intent on their bloody purpose, they approached Schenectady, the object of their toil. This was a Dutch village on the Mohawk, then the outpost of the settlements about Albany. The cluster of some forty houses was protected by a palisade, but the gates were open and unguarded, and at midnight the inhabitants slept profoundly. The assailants entered Feb. 8. in silence, divided themselves into several parties, and, giving the signal by the terrible war-whoop, commenced the attack. Shrieks of women and children answered. Doors were broken open; houses set on fire; blood flowed. Sixty were slain on the spot; twenty-seven were taken prisoners; the rest fled, half naked, along the road to Albany through a driving snow-storm, a deep snow, and cold so bitter that many lost their limbs by frost. The assailants set off for Canada with their prisoners and their plunder, and effected their escape, though not without serious loss inflicted by some Mohawk warriors, who hastened to pursue them. The terror inspired by this attack was so great that, for the sake of aid and support, the malcontents who held Albany submitted to the March 12. hated Leisler. But nothing could prevail on that rash and passionate chief to use his authority with moderation. He confiscated the property of his principal opponents. Bayard and Nichols were held in confinement; and for the arrest of Livingston, warrants were sent to Boston and Hartford, whither he had gone to ask assistance.

Frontenac's second war party, composed of only fifty-two persons, departing from Three Rivers, a village half

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way from Montreal to Quebec, ascended the St. Francis, entered the valley of the Upper Connecticut, and thence

1690. made their way across the mountains and forests of New Hampshire. Presently they descended on Salmon Falls, a frontier village on the chief branch of the Piscataqua.

March 27. They attacked it by surprise, killed most of the male inhabitants, plundered and burned the houses, and carried off fifty-four prisoners, chiefly women and children, whom they drove before them, laden with the spoils. While thus returning they fell in with the third war party from Quebec, and, joining forces, proceeded to attack Casco. A part of the garrison was lured into an ambuscade and destroyed. The rest, seeing their palisades

May. about to be set on fire, surrendered on terms as prisoners of war.

Such was the new and frightful sort of warfare to which the English colonists were exposed. The savage ferocity of the Indians, guided by the sagacity and civilized skill and enterprise of French officers, became ten times more terrible. The influence which the French missionaries had acquired by persevering self-sacrifice and the highest efforts of Christian devotedness was now availed of, as too often happens, by mere worldly policy, to stimulate their converts to hostile inroads and midnight murders. Religious zeal sharpened the edge of savage hate. The English were held up to the Indians not merely as enemies, but as heretics, upon whom it was a Christian duty to make war. If the chaplet of victory were missed, at least the crown of martyrdom was sure.

These cruel Indian inroads seemed to the sufferers abundant confirmation of the tales of the Huguenots scattered through the colonies as to the bloody and implacable spirit of the Catholic faith. These religious

refugees were so numerous in Boston and New York as to have in each of those towns a church of their own. Hatred of popery received a new impetus. It is hardly to be wondered at that the few Catholics of Maryland, though their fathers had been the founders of that colony, were disfranchised, and subjected to all the disabilities by which, in Britain and Ireland, the suppression of Catholicism was vainly attempted. Probably also to this period we may refer the act of Rhode Island, of unknown date, which excluded Catholics from becoming freemen of that colony.

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But cruelties were not confined to one side. The inroads of the Mohawks into Canada, always encouraged and supported by the authorities of New York, were even sometimes directed by leaders from Albany. The French settlements along the coast of Acadie, long since objects of jealousy to New England, soon experienced all the miseries of partisan warfare.

Engrossed by the war in Ireland, where the partisans of James II. were still powerful, William III. left the colonies to take care of themselves. New York seems to have assumed the leadership. Shortly after the attacks on Schenectady and Salmon Falls, Leisler, as acting governor of that province, addressed a circular letter to all the colonies as far south as Virginia, inviting them to send commissioners to New York, to agree upon some concerted plan of operations. In accordance with this invitation, delegates from Massachusetts, Plymouth, Connecticut, and New York met as proposed, and formed a counter scheme of conquest. While a fleet and army sailed from Boston to attack Quebec, four hundred men were to be raised in New York, and as many more in the other colonies, to march against Montreal.

April 2

April 24

Besides this joint undertaking, Massachusetts already

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had on foot an enterprise of her own. A fleet of eight or nine small vessels, with seven or eight hundred men on board, sailed against Acadie, under the command of Sir William Phipps. Phipps was a native of Pemaquid, one of twenty-six children by the same mother. First a shepherd, then a ship-carpenter, then a sailor, and finally a ship-master, successful enterprise in fishing up bullion from an old Spanish wreck on the coast of St. Domingo, in which business some English noblemen had been his partners, had obtained for him the honor of knighthood from the hand of James II., and a handsome fortune, with which he had recently returned to establish himself at Boston. Phipps's fleet passed Casco just after its surrender, too late to render any assistance. An easy conquest was made of Port Royal, and plunder enough was obtained, by the ravage of the neighboring settlements, to pay the expenses of the expedition, though not without complaints, on the part of the French, that the articles of surrender were grossly violated. Phipps departed in a few days to attack the other French posts in Acadie. He was hardly gone when the unfortunate

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June. Port Royal was visited and a second time plundered by two English privateers from the West Indies.

The success of this enterprise encouraged the prosecution of the expedition against Canada. Fitz-John Winthrop, son of the late governor of Connecticut, and himself presently to fill that office, was appointed to command the troops destined against Montreal; while Milbourne, Leisler's son-in-law, undertook, as commissary, to provide and forward subsistence for the march. Frontenac had in vain attempted to negotiate a peace with the Iroquois. A party of Mohawks, the van of the attack, led by Schuyler, pushed forward toward the St. Lawrence. At the first alarm. Frontenac roused the courage

of his Indian allies by joining them in the war song and the war dance. He was able to muster twelve hundred men for the defense of Montreal. Schuyler and the Iroquois were repulsed. The rest of the colonial forces scarcely advanced beyond *Wood Creek*, where they were stopped short by the small-pox and deficiency of provisions. The expedition ended in mutual recriminations, which did but express and confirm the hereditary antipathy of Connecticut and New York. Leisler was so enraged at the retreat of the troops that he even arrested Winthrop at Albany.

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Phipps meanwhile sailed from Boston with thirty-two vessels and two thousand men, most of them pressed into the service. Three of the ships were from New York, with two hundred and forty soldiers. For want of pilots, Phipps was nine weeks in finding his way up the St. Lawrence, of which no charts as yet existed. An Indian runner from Piscataqua, in a rapid journey of fourteen days, had carried to Quebec the first intimation of this new danger. Already assured of the safety of Montreal, and informed by repeated messages that the English were now at Tadousac and now at Isle Aux Coudres, Frontenac hastened back to Quebec. He arrived three days before Phipps, who found himself disappointed of that surprise which had been his main reliance. The fortifications were strong, the garrison was considerable, Frontenac was there, and winter was approaching. A party landed from the ships, and some skirmishing ensued; but the English soon embarked again, leaving five six-pounders behind them, and the whole enterprise was speedily abandoned. Louis XIV. commemorated this repulse by a medal, with the legend "*Francia in novo orbe victrix*"—"*France victorious in the New World.*"

Aug. 18

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The fleet suffered on the homeward voyage by storms, and the men by sickness; the expected plunder was not
1690. obtained; the treasury had been emptied in fitting out the expedition; and when the troops landed at Boston, disgusted with failure, and out of temper with hardships,
Dec. there was no money to pay them. They even threatened a military riot. The General Court, in this emergency, resolved upon an issue of bills of credit, or treasury notes, the first paper money ever seen in the English colonies. A similar expedient, in the issue of "card money," redeemable in bills on France, had been adopted in Canada five years before; but this fact was probably unknown in Massachusetts. The Massachusetts notes, ranging from five shillings to five pounds, were receivable in payment of taxes, and redeemable out of any money in the treasury. Notwithstanding the patriotic example of Phipps, who freely exchanged coin for notes, it was no easy matter to get this first government paper into circulation. The total amount of the issue was presently fixed at £40,000, $133,333; but, long before that limit was reached, the bills sunk to a discount of one
1691. half. To raise their credit, the General Court presently
May. made them a legal tender in all payments, while at the treasury they were receivable at an advance of five per cent.

While Phipps was employed against Quebec, Colonel Church led an expedition against the Eastern Indians. He proceeded up the Androscoggin to the Indian settlement at the great falls, now Lewiston, where he destroyed a great quantity of corn, and, "for example," put a number of his prisoners to death, not sparing even women and children.

Undeterred by such cruelties, which they knew too well how to retaliate, the Eastern tribes kept up a frontier

warfare, which occasioned much individual suffering, per- CHAPTER XX.
petual anxiety, and a heavy expense. The settlements
in their neighborhood received a very serious check. The 1691.
towns of Maine, attacked one after another, all suffered,
and many were abandoned. The Indians would lie in ambush for days waiting a favorable opportunity. They were seldom seen till they struck. The plowman was shot in the furrow; it was necessary to go armed to gather the crop. Every house became a garrison, liable at any moment to attack. The women, in order to aid in the defense, were taught not only to load, but to fire.

Sometimes, in a fit of fury or revenge, the Indians killed all who fell into their hands. But their object in general was to make prisoners, especially of the women and children, for whom a market was found in Canada, where they were purchased as servants—a constant stimulus to new enterprises on the part of the Indians. These unhappy captives, in their long and dreary travels through the woods, frequently in mid-winter, the women often with infants in their arms, suffered sometimes from the cruel insolence of their captors, and always from terror, hunger, and fatigue. Arrived in Canada, they often experienced at the hands of their French purchasers an unexpected kindness, prompted frequently, no doubt, by pure humanity, but sometimes, also, by zeal for their conversion to the Catholic faith, in which case it became a new source of suffering. Many of the returned captives related, among the sorest of their trials, temptations to change their religion. To these temptations some yielded. Of the captive children who remained long among the Indians, many became so habituated to that wild method of life as to be unwilling, when ransomed, to return to their parents.

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As if this terrible Indian war were not scourge enough, New York and Massachusetts, both at the same time, were the scenes each of its own domestic tragedy. Leaving Leisler's letter unanswered, William III. had appointed as governor of New York Colonel Henry Sloughter.

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1690. He also had directed the raising of an independent company of regular soldiers toward the defense of that province. But a French fleet swept the Channel, and Sloughter's departure was for some time delayed. Leisler, in fact, received no notice of his appointment till Captain In-

1691. golsby arrived with the independent company. Sloughter

Jan. 30. had sailed at the same time, but in another vessel, which had parted company in a storm. Supported by all the opponents of Leisler, Ingolsby claimed the temporary administration and possession of the fort, on the ground that he held the king's commission. But, as he could show no authority from Sloughter, Leisler declined to give it up. He issued, however, a proclamation recognizing Sloughter's appointment, and directing that Ingolsby's soldiers should be quartered in the city. Six weeks elapsed before Sloughter arrived, during which Leisler was blockaded in the fort, and some lives were lost. Sloughter at length appeared; and because the fort was not yield-

March 19. ed up at the first summons, made through Ingolsby, and without any presentation of Sloughter's commission, or proof, in fact, of his actual arrival, the new governor caused Leisler and his council to be arrested for high treason. While they became prisoners, Bayard and Nichols, delivered from the imprisonment in which Leisler had kept them, were sworn members of Sloughter's council. Leisler's enemies were burning for revenge; and a special court of eight members was presently organized for the trial of the prisoners. Leisler and Milbourne denied the jurisdiction of this court, and refused to plead. They were

found guilty, nevertheless, and sentenced to death. Dud- CHAPTER XX.
ley had been consoled for his late imprisonment in Mas- 1691.
sachusetts by the chief justiceship of New York and a seat in the council. What part he took in this affair does not precisely appear, though his connection with it was afterward made a serious charge against him by his enemies. Sloughter hesitated to order the execution, preferring to await the decision of the king. But party hatred was not thus to be balked.

A new Assembly had met meanwhile, composed of Leisler's bitter enemies. The House refused to recommend a temporary reprieve; the council urged instant execution as essential to the peace and safety of the province. At a dinner party given for that very purpose, Sloughter was inveigled, heated with wine, into signing the fatal warrant; and while the revel was protracted into morning, the two prisoners, suddenly separated from their weeping wives and children, were hastily led to May 16.
execution. It was feared lest, when Sloughter became sober, he might recall the warrant. The gallows stood without the city wall, at the lower angle of what is now the Park. The town's people flocked together to witness this sad end of their leader. In spite of a cold, drizzling rain, there came also some of the counselors, among the rest Livingston, eager to feast their eyes on the death of their victims. More moved at his son-in-law's fate than his own, Leisler admitted that he might have fallen into errors "through ignorance and jealous fear, through rashness and passion, through misinformation and misconstruction," but he died protesting his loyalty and good intentions. "Robert Livingston," cried the indignant Milbourne from the scaffold, "for this I will implead thee at the bar of God!" In spite of the rain, which poured in torrents, the people rushed forward to obtain

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some last memento of their leaders, pieces of their clothes or locks of their hair.

1691. This judicial murder, if it gratified one faction, did but exasperate the other. The feud between the enemies and the friends of Leisler became deeply interwoven with the politics of New York, forming for near a quarter of a century the basis of a party division of the fiercest and bitterest sort. An appeal to the king, which the prisoners had taken, was prosecuted by Leisler's son. The Committee of the Privy Council, to whom the matter was referred, reported that the forms of law had been observed on the trial; but they recommended the restitution of the estates of the culprits, which, by the English law of treason, stood forfeit to the king. Some years after, as we shall presently see, the attainder was reversed by act of Parliament.

The administration of Sloughter, thus tragically begun, marks the final abandonment in New York of the ancient Dutch usages, and the complete introduction of English law. The acts of the Assembly which solicited the execution of Leisler, by one of which all previous laws were repealed, stand first in the series of New York statutes, the basis of the existing code. A Supreme Court was established of five judges, paid by fees, except the two senior ones, who had about £100 each for riding the circuits. The governor acted as ordinary and chancellor. Each county had its special court, composed of justices of the peace. Civil cases under forty shillings value might be adjudicated by a single justice. The towns retained the right of choosing surveyors of roads, assessors and collectors of taxes, and constables. The king placed his veto on a statute, declaring the right of the inhabitants to participate, through an Assembly, in the enactment of all laws, and claiming all the privileges

of the English Bill of Rights; but, in practice, an Assembly became henceforth an essential part of the political system of New York. Yet, by voting a revenue for a term of years, and allowing payments from the treasury only on the governor's warrant, that officer was rendered, to a certain extent, independent of the Assembly, and was thus enabled to exercise a powerful influence on the politics of the province. CHAPTER XX. 1691.

In the mean while the war against Canada languished. Schuyler from Albany, with a party of Mohawks, made a foray upon Sorel, but was obliged to effect a speedy retreat. Massachusetts, quite exhausted by her military exertions the year before, was not able to undertake any new enterprises. Villebon, arriving from France with an armed ship, retook Port Royal, and presently established himself at the mouth of the St. John's, where he carried on a brisk trade with the Eastern Indians, and kept them well supplied with arms and ammunition. The eastern frontier of New England continued to suffer. York, surprised by a French and Indian party from Canada, lost seventy-five of the inhabitants in killed, and as many more taken prisoners. Wells was attacked soon after; but the people made a stout resistance, and repulsed the assailants. Aug. Nov. 1692. Jan. 23

Sir William Phipps, who had gone to England to solicit an expedition against Quebec, presently returned with the new charter of Massachusetts and the king's commission as governor.

This new charter gave a greatly increased extent to the province. The people of Plymouth had sent an agent to England to solicit a separate patent. Not a little to their mortification, they now found themselves included under the charter of Massachusetts, along with Maine and Sagadahoc, and, indeed, on the strength of

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Phipps's transient conquest, the whole region on both sides the Bay of Fundy, from the Penobscot to the Gulf of St. Lawrence.

The New Hampshire towns had desired to be also included, but were prevented by Allen, a London merchant, who had bought up Mason's claim to the soil, and who now obtained for himself a commission as governor of New Hampshire, with another as lieutenant governor for Usher, his son-in-law. This Usher was the same Boston bookseller and merchant whose agency had formerly been employed by Massachusetts in the purchase of Maine. Under his administration New Hampshire presently became the scene of a new series of fruitless law-suits. But for this claim of Allen, the whole of New England, except Rhode Island and Connecticut, might now have formed a single state.

The new charter of Massachusetts reserved to the crown the appointment of the governor, lieutenant governor, and colonial secretary. It conferred upon the governor the right of summoning, adjourning, and dissolving the General Court, and a negative upon all its acts, which at any time within three years after the governor's approbation might also be set aside by the royal veto. The General Court was to consist, as before, of two boards, a council and a House of Representatives. The representatives were to be annually chosen by the people. The counselors, nominated for the first year by the crown, were afterward to be annually chosen by joint ballot of the House of Representatives and the previous council; but of the twenty-eight thus chosen, the governor might reject thirteen. The advice and consent of the council were necessary to all appointments and official acts. As had been the case with the former Board of Assistants, the same persons

often continued members of this council for many years. The counselors were generally wealthy men of moderate politics. The governors rejected such warm opponents of their policy as were chosen in joint ballot, while the House dropped such as made themselves too obnoxious to the popular interest. CHAPTER XX. 1692.

The judicial authority formerly exercised by the Board of Assistants and the General Court was transferred by the new charter to a Superior Court of law, from which appeals lay to the king in council. The particular organization of this superior court, as well as of the inferior tribunals, was left to the colonial Legislature. To the governor, with the advice and consent of the council, was reserved the appointment of judges, of all inferior magistrates, and of the officers of the militia, of which, by virtue of his office, he was commander-in-chief.

The theocracy, which had founded, and hitherto had ruled the colony, lost, under this new charter, a great part of its power. Toleration was expressly secured to all religious sects except papists. The right of suffrage, limited under the old government to church members, and a few select persons admitted freemen on a minister's certificate, was now bestowed upon all inhabitants possessing a freehold of the annual value of forty shillings, $6 66, or personal property to the amount of £40, $133 33. Yet the old ecclesiastical system still had a strong hold on the popular mind, and the General Court, in which the theocratic party maintained for many years a predominating influence, promptly endowed the Congregational churches, as we shall presently see, with all the attributes of a legal establishment.

If Massachusetts lost, under the new charter, the quasi-independence for which her theocratic rulers had so manfully contended, she gained a commencement of

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religious freedom, and the extension to all her inhabitants of political rights; and in the school of subjection to the mother country, not servile, but watchful, and jealous of every aggression, she prepared herself for a future more liberal exercise of independent authority.

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Cooke and Oakes, Mather's colleagues in the agency, when they found that the old charter would not be restored, had doggedly refused to have any thing to do with a new one. Mather, though no less a stickler than they for the old constitution, bent to circumstances, and, in conjunction with Ashurst, had agreed to co-operate in framing the new one—a compliance rewarded by leaving to him the nomination of the officers to be appointed by the crown. Thus complimented, he took care to compose the council of "persons favorable to the interests of the churches." For governor he named Sir William Phipps, an illiterate man, of violent temper, with more of energy than ability, but very docile to his religious guides, and lately admitted a member of Mather's church. Notwithstanding Stoughton's connection with Dudley, he had managed to retain Mather's good will; indeed, however he might temporize, his attachment was firm to the more zealous party in the church. For him the office of lieutenant governor was procured. Yet the loss of the old charter was very deeply regretted, especially by those most disposed to abuse its powers. In spite of his theocratic principles, because he had assented to what could not be helped, and had endeavored to make the best of it, Increase Mather was exposed, like so many other agents, his predecessors, to imputations, which always stuck to him, however undeserved, of having sacrificed and betrayed the rights of his constituents.

Phipps, at his arrival, found the colony, or at least a powerful party in it, much dissatisfied at the curtail-

ment of former independence, the people groaning under the expenses of the war, alarmed at continued inroads from Canada, and, in addition to these substantial evils, suffering under delusions still more terrific. CHAPTER XX. 1692.

The idea of fixed general laws binding the universe is of very modern origin, at least of very modern currency. Special supernatural interference served for ages as a compendious and comprehensive explanation of all rare and unaccountable events. The Protestants, while they rejected with passionate contempt the miracles and relics of the papal church, were yet by no means free from superstition. Eastern legends, derived, it would seem, to Europe, from the Paulicians, and through them from the Manicheans, and through them from the Persian Magi—legends which gave to the devil a great influence over the events of this world—had made a profound impression upon the Hussites and Lollards, forerunners of Luther's Reformation. For two or three centuries previous to Luther, the devil figures more and more in the popular mythology of Europe. Luther himself encountered the arch tempter, but put him to flight with an inkstand—truly, in his hands, a formidable weapon!

The Protestants seem to have indemnified themselves for rejecting so many popish fables by remodeling the old Scandinavian, classical, Oriental, and Middle-Age legends on the subject of witchcraft into a somewhat new shape, a counterpart, as it were, to the Protestant theological system. A covenant was supposed between the devil and certain unhappy persons called witches, a sort of parody on the covenant between God and his holy elect. These witches, mostly ill-tempered old women, were supposed to have bargained away their souls for the privilege of vexing and tormenting their neighbors. Thus was afforded a ready explanation for a thou-

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sand cross-grained domestic accidents constantly happening to the best of men, of a nature to be plausibly ascribed to some invisible spirit of vexation and malice. It was also a part of the supposed business of the witches to induce new victims to enter the compact.

The practice of magic, sorcery, and spells, in the reality of which all ignorant communities have believed, had long been criminal offenses in England. A statute of the thirty-third year of Henry VIII. made them capital felonies. Another statute of the first year of James I., more specific in its terms, subjected to the same penalty all persons "invoking any evil spirit, or consulting, covenanting with, entertaining, employing, feeding, or rewarding any evil spirit, or taking up dead bodies from their graves to be used in any witchcraft, sorcery, charm, or enchantment, or killing or otherwise hurting any person by such infernal arts." That second Solomon, before whom the illustrious Bacon bowed with so much reverence, was himself a firm believer in witchcraft. He professed, indeed, to be an adept in the art of detecting witches, an art which became the subject of several learned treatises, one of them from James's own royal pen. During the Commonwealth England had abounded with professional witch detectors, who traveled from county to county, and occasioned the death of many unfortunate persons. The "Fundamentals" of Massachusetts contained a capital law against witchcraft, fortified by that express declaration of Scripture, "Thou shalt not suffer a witch to live." We have already had more than one occasion to notice that this law had not slept a dead letter.

Yet, among other evidences of departure from ancient landmarks, and of the propagation even to New England of a spirit of doubt, were growing suspicions as to

the reality of that every-day supernaturalism which formed so prominent a feature of the Puritan theology. The zeal of Increase Mather against this rising incredulity had engaged him, while the old charter was still in existence, to publish a book of "Remarkable Providences," in which were enumerated, among other things, all the supposed cases of witchcraft which had hitherto occurred in New England, with arguments to prove their reality. CHAPTER XX. 1684.

What at that time had given the matter additional interest was the case of a bewitched or haunted house at Newbury. An intelligent neighbor, who had suggested that a mischievous grandson of the occupant might perhaps be at the bottom of the mystery, was himself accused of witchcraft, and narrowly escaped. A witch, however, the credulous townspeople were resolved to find, and they presently fixed upon the wife of the occupant as the culprit. Seventeen persons testified to mishaps experienced in the course of their lives, which they charitably chose to ascribe to the ill will and diabolical practices of this unfortunate old woman. On this evidence she was found guilty by the jury; but the magistrates, more enlightened, declined to order her execution. The deputies thereupon raised a loud complaint at this delay of justice. But the firmness of Bradstreet, supported as he was by the moderate party, and the abrogation of the charter which speedily followed, saved the woman's life.

This same struggle of opinion existed also in the mother country, where the rising sect of Free Thinkers began to deny and deride all diabolical agencies. Nor was this view confined to professed Free Thinkers. The latitudinarian party in the Church, a rapidly-growing body, leaned perceptibly the same way. The "serious ministers," on the other hand, led by Richard Baxter, their acknowledged head, defended with zeal the reality

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of witchcraft and the personality and agency of the devil, to deny which they denounced as little short of atheism They supported their opinions by the authority of Sir Matthew Hale, lord chief justice of England, as distinguished for piety as for knowledge of the law, under whose instructions two alleged witches, at whose trials he had presided shortly after the Restoration, had been found guilty and executed. The accounts of those trials, published in England on occasion of this controversy, and republished at Boston, had tended to confirm the popular belief. The doubts by which Mather had been alarmed were yet confined to a few thinking men. Read with a forward and zealous faith, these stories did not fail to make a deep impression on the popular imagination.

While Andros was still governor, shortly after In-
1688. crease Mather's departure for England, four young children, members of a pious family in Boston, the eldest a girl of thirteen, the youngest a boy not five, had begun to behave in a singular manner, barking like dogs, purring like cats, seeming to become deaf, blind, or dumb, having their limbs strangely distorted, complaining that they were pinched, pricked, pulled, or cut; acting out, in fact, the effects of witchcraft, according to the current notions of it and the descriptions in the books above referred to. The terrified father called in Dr. Oakes, a zealous leader of the ultra-theocratic party—presently sent to England as joint agent with Mather—who gave his opinion that the children were bewitched. The oldest girl had lately received a bitter scolding from an old Irish indented servant, whose daughter she had accused of theft. This same old woman, from indications no doubt given by the children, was soon fixed upon as being the witch. The four ministers of Boston and another from Charlestown having kept a day of fasting and pray-

er at the troubled house, the youngest child was relieved. But the others, more persevering and more artful, continuing as before, the old woman was presently arrested, and charged with bewitching them. She had, for a long time, been reputed a witch, and she even seems to have flattered herself that she was one. Indeed, her answers were so "senseless," that the magistrates referred it to the doctors to say if she were not "crazed in her intellects." On their report of her sanity, the old woman was tried, found guilty, and executed.

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Though Increase Mather was absent on this interesting occasion, he had a zealous representative in his son, Cotton Mather, by the mother's side grandson of the "great Cotton," a young minister of twenty-five, a prodigy of learning, eloquence, and piety, recently settled as colleague with his father over Boston North Church. Cotton Mather had an extraordinary memory, stuffed with all sorts of learning. His application was equal to that of a German professor. His lively imagination, trained in the school of Puritan theology, and nourished on the traditionary legends of New England, of which he was a voracious and indiscriminate collector, was still further stimulated by fasts, vigils, prayers, and meditations, almost equal to those of any Catholic saint. Of a temperament ambitious and active, he was inflamed with a great desire of "doing good." Fully conscious of all his gifts, and not a little vain of them, like the Jesuit missionaries in Canada, his cotemporaries, he believed himself to be often, during his devotional exercises, in direct and personal communication with the Deity. In every piece of good fortune he saw a special answer to his prayers; in every mortification or calamity, the special personal malice of the devil and his agents. Yet both himself and his father were occasionally troubled

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with "temptations to atheism," doubts which they did not hesitate to ascribe to diabolical influence. The secret consciousness of these doubts of their own was perhaps one source of their great impatience at the doubts of others.

1688. Cotton Mather had taken a very active part in the late case of witchcraft; and, that he might study the operations of diabolical agency at his leisure, and thus be furnished with evidence and arguments to establish its reality, he took the eldest of the bewitched children home to his own house. His eagerness to believe invited imposture. His excessive vanity and strong prejudices made him easy game. Adroit and artful beyond her years, the girl fooled him to the top of his bent. His ready pen was soon furnished with materials for "a story all made up of wonders," which, with some other matters of the same sort, and a sermon preached on the

1689. occasion, he presently published, under the title of "Memorable Providences relating to Witchcrafts and Possessions," with a preface, in which he warned all "Sadducees" that he should regard their doubts for the future as a personal insult.

Cotton Mather was not the only dupe. "The old heresy of the sensual Sadducees, denying the being of angels either good or evil," says the recommendatory preface to this book, signed by the other four ministers of Boston, "died not with them, nor will it, whilst men, abandoning both faith and reason, count it their wisdom to credit nothing but what they see or feel. How much this fond opinion hath gotten ground in this debauched age is awfully observable; and what a dangerous stroke it gives to settle men in atheism is not hard to discern. God is therefore pleased, besides the witness borne to this truth in Sacred Writ, to suffer devils sometimes to

do such things in the world as shall stop the mouths of gainsayers, and extort a confession from them." They add their testimony to the truth of Mather's statements, which they commend as furnishing "clear information" that there is "both a God and a devil, and witchcraft." The book was presently republished in London, with a preface by Baxter, who pronounced the girl's case so "convincing," that "he must be a very obdurate Sadducee who would not believe it."

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Mather's sermon, prefixed to this narrative, is a curious specimen of fanatical declamation. "Witchcraft," he exclaims, "is a renouncing of God, and the advancement of a filthy devil into the throne of the Most High. Witchcraft is a renouncing of Christ, and preferring the communion of a loathsome, lying devil before all the salvation of the Lord Redeemer. Witchcraft is a siding with hell against heaven and earth, and therefore a witch is not to be endured in either of them. 'Tis a capital crime, and is to be prosecuted as a species of devilism that would not only deprive God and Christ of all his honor, but also plunder man of all his comfort. Nothing too vile can be said of, nothing too hard can be done to, such a horrible iniquity as witchcraft is!" Such declamations from such a source, giving voice and authority to the popular superstition, prepared the way for the tragedy that followed. The suggestion, however, that Cotton Mather, for purposes of his own, deliberately got up this witchcraft delusion, and forced it upon a doubtful and hesitating people, is utterly absurd. And so is another suggestion, a striking exhibition of partisan extravagance, that because the case of the four Boston children happened during the government of Andros, therefore the responsibility of that affair rests on him, and not on the people of Massachusetts. The Irish wom-

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an was tried under a Massachusetts law, and convicted by a Massachusetts jury; and, had Andros interfered to
1689. save her life, to the other charges against him would doubtless have been added that of friendship for witches Cotton Mather seems to have acted, in a degree, the part of a demagogue. Yet he is not to be classed with those tricky and dishonest men, so common in our times, who play upon popular prejudices which they do not share, in the expectation of being elevated to honors and office. Mather's position, convictions, and temperament alike called him to serve on this occasion as the organ, exponent, and stimulator of the popular faith.

The bewitched girl, as she ceased to be an object of popular attention, seems to have returned to her former behavior. But the seed had been sown on fruitful
1692. Feb. ground. After an interval of nearly four years, three young girls in the family of Parris, minister of Salem village, now Danvers, began to exhibit similar pranks. As in the Boston case, a physician pronounced them bewitched, and Tituba, an old Indian woman, the servant of Parris, who undertook, by some vulgar rites, to discover the witch, was rewarded by the girls with the accusation of being herself the cause of their sufferings. The neighboring ministers assembled at the house of Parris for fasting and prayer. The village fasted; and presently a general fast was ordered throughout the colony. The "bewitched children," thus rendered objects of universal sympathy and attention, did not long want imitators. Several other girls, and two or three women of the neighborhood, began to be afflicted in the same way, as did also John, the Indian husband of Tituba, warned, it would seem, by the fate of his wife.

Parris took a very active part in discovering the witches; so did Noyes, minister of Salem, described as

"a learned, a charitable, and a good man." A town committee was soon formed for the detection of the witches. Two of the magistrates, resident at Salem, entered with great zeal into the matter. The accusations, confined at first to Tituba and two other friendless women, one crazed, the other bed-rid, presently included two female members of Parris's church, in which, as in so many other churches, there had been some sharp dissensions. The next Sunday after this accusation Parris preached from the verse, "Have I not chosen you twelve, and one is a devil?" At the announcement of this text the sister of one of the accused women rose and left the meeting house. She too was accused immediately after, and the same fate soon overtook all who showed the least disposition to resist the prevailing delusion.

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The matter had now assumed so much importance, April 11
that the deputy governor—for the provisional government was still in operation—proceeded to Salem village, with five other magistrates, and held a court in the meeting house. A great crowd was present. Parris acted at once as clerk and accuser, producing the witnesses, and taking down the testimony. The accused were held with their arms extended and their hands open, lest by the least motion of their fingers they might inflict torments on their victims, who sometimes affected to be struck dumb, and at others to be knocked down by the mere glance of an eye. They were haunted, they said, by the specters of the accused, who tendered them a book, and solicited them to subscribe a league with the devil; and when they refused, would bite, pinch, scratch, choke, burn, twist, prick, pull, and otherwise tormerrt them. At the mere sight of the accused brought into court, "the afflicted" would seem to be seized with a fit of these torments, from which, however, they expe-

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rienced instant relief when the accused were compelled to touch them—infallible proof, to the minds of the gap-

1692. ing assembly, that these apparent sufferings were real and the accusations true. The theory was, that the touch conveyed back into the witch the malignant humors shot forth from her eyes; and learned references were even made to Des Cartes, of whose new philosophy some rumors had reached New England, in support of this theory.

In the examinations at Salem village meeting house some very extraordinary scenes occurred. "Look there!" cried one of the afflicted; "there is Goody Procter on the beam!" This Goody Procter's husband, notwithstanding the accusation against her, still took her side, and had attended her to the court; in consequence of which act of fidelity, some of "the afflicted" began now to cry out that he too was a wizard. At the exclamation above cited, "many, if not all the bewitched, had grievous fits." Question by the court: "Ann Putnam, who hurts you?" Answer: "Goodman Procter, and his wife too." Then some of the afflicted cry out, "There is Procter going to take up Mrs. Pope's feet!" and "immediately her feet are taken up." Question by the court: "What do you say, Goodman Procter, to these things?" Answer: "I know not: I am innocent." Abigail Williams, another of the afflicted, cries out, "There is Goodman Procter going to Mrs. Pope!" and "immediately said Pope falls into a fit." A magistrate to Procter: "You see the devil will deceive you; the children," so all the afflicted were called, "could see what you were going to do before the woman was hurt. I would advise you to repentance, for you see the devil is bringing you out." Abigail Williams cries out again, "There is Goodman Procter going to hurt Goody Bibber!" and "imme-

diately Goody Bibber falls into a fit." Abigail Williams and Ann Putnam both "made offer to strike at Elizabeth Procter; but when Abigail's hand came near, it opened, whereas it was made up into a fist before, and came down exceedingly lightly as it drew near to said Procter, and at length, with open and extended fingers, touched Procter's hood very lightly; and immediately Abigail cries out, 'My fingers, my fingers, my fingers burn!' and Ann Putnam takes on most grievously of her head, and sinks down." Such was the evidence upon which people were believed to be witches, and committed to prison to be tried for their lives! Yet, let us not hurry too much to triumph over the past. In these days of Animal Magnetism, have we not ourselves seen impostures as gross, and even in respectable quarters, a headlong credulity just as precipitate? We must consider, also, that the judgments of our ancestors were disturbed not only by wonder, but by fear.

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Encouraged by the ready belief of the magistrates and the public, "the afflicted" went on enlarging the circle of their accusations, which presently seemed to derive fresh corroboration from the confessions of some of the accused. Tituba had been flogged into a confession; others yielded to a pressure more stringent than blows. Weak women, astonished at the charges and contortions of their accusers, assured that they were witches beyond all doubt, and urged to confess as the only possible chance for their lives, were easily prevailed upon to repeat any tales put into their mouths: their journeys through the air on broomsticks to attend witch sacraments—a sort of travesty on the Christian ordinance—at which the devil appeared in the shape of a "small black man;" their signing the devil's book, renouncing their former baptism, and being baptized anew by the

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devil, who "dipped" them in "Wenham Pond," after the Anabaptist fashion. Called upon to tell who were present at these sacraments, the confessing witches wound up with new accusations; and, by the time Phipps arrived in the colony, near a hundred persons were already in prison. The mischief was not limited to Salem. An idea had been taken up that the bewitched could explain the causes of sickness; and one of them, carried to Andover for that purpose, had accused many persons of witchcraft, and thrown the whole village into the greatest commotion. Some persons also had been accused in Boston and other towns.

1692. May 14.

It was one of Phipps's first official acts, in which, no doubt, he was governed by learned advice, to order all the prisoners into irons. This restraint upon their motions might impede them, it was hoped, in tormenting the afflicted. Without waiting for the meeting of the General Court, to whom that authority properly belonged, Phipps hastened, by advice of his counsel, to organize a special court for the trial of the witches. Stoughton, the lieutenant governor, was appointed president; but his cold and hard temper, his theological education, and unyielding bigotry were ill qualifications for such an office. His associates, six in number, were chiefly Boston men, possessing a high reputation for wisdom and piety, among them Richards, the late agent, Wait Winthrop, brother of Fitz-John Winthrop, and grandson of the former governor, and Samuel Sewell, the two latter subsequently, in turn, chief justices of the province.

June 2. The new court, thus organized, proceeded to Salem, and commenced operations by the trial of an old woman who had long enjoyed the reputation of being a witch. Besides "spectral evidence," that is, the tales of the afflicted, a jury of women, appointed to make an exam-

ination, found upon her a wart or excrescence, adjudged to be "a devil's teat." A number of old stories were also raked up of dead hens, and foundered cattle, and carts upset, ascribed by the neighbors to her incantations. On this evidence she was brought in guilty, and hanged a few days after, when the court took an adjournment to the end of the month. CHAPTER XX. 1692. June 10.

The first General Court under the new charter met meanwhile, and Increase Mather, who had returned in company with Phipps, gave an account of his agency. From a House not well pleased with the loss of the old charter he obtained a reluctant vote of thanks, but he received no compensation for four years' expenses, which had pressed very heavily upon his narrow income. After passing a temporary act for continuing in force all the old laws, among others the capital law against witchcraft, an adjournment was had, without any objection, or even reference, so far as appears, to the special court for the trial of the witches, which surely would have raised a great outcry had it been established for any unpopular purpose. June 8.

According to a favorite practice of the old government, now put in use for the last time, Phipps requested the advice of the elders as to the proceedings against the witches. The reply, drawn up by the hand of Cotton Mather, acknowledges with thankfulness "the success which the merciful God has given to the sedulous and assiduous endeavors of our honorable rulers to defeat the abominable witchcrafts which have been committed in the country, humbly praying that the discovery of those mysterious and mischievous wickednesses may be perfected." It advises, however, "critical and exquisite caution" in relying too much on "the devil's authority," that is, on spectral evidence, or "apparent changes June 15.

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wrought in the afflicted by the presence of the accused;" neither of which, in the opinion of the ministers, could

1692. be trusted as infallible proof. Yet it was almost entirely on this sort of evidence that all the subsequent convictions were had. Stoughton, unfortunately, had espoused the opinion, certainly a plausible one, that it was impossible for the devil to assume the appearance of an innocent man, or for persons not witches to be spectrally seen at witches' meetings; and some of the confessing witches were prompt to flatter the chief justice's vanity by confirming a doctrine so apt for their purposes.

June 30. At the second session of the special court, five women were tried and convicted. The others were easily disposed of; but in the case of Rebecca Nurse, one of Parris's church members, a woman hitherto of unimpeachable character, the jury at first gave a verdict of acquittal. At the announcement of this verdict "the afflicted" raised a great clamor. The "honored court" called the jury's attention to an exclamation of the prisoner during the trial, expressive of surprise at seeing among the witnesses two of her late fellow-prisoners: "Why do these testify against me? they used to come among us!" These two witnesses had turned confessors, and these words were construed by the court as confirming their testimony of having met the prisoner at witches' meetings. The unhappy woman, partially deaf, listened to this colloquy in silence. Thus pressed by the court, and hearing no reply from the prisoner, the jury changed their verdict and pronounced her guilty. The explanations subsequently offered in her behalf were disregarded. The governor, indeed, granted a reprieve, but the Salem committee procured its recall, and the unhappy woman, taken in chains to the meeting house, was solemnly ex-

July 19. communicated, and presently hanged with the others.

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At the third session of the court, six prisoners were tried and convicted, all of whom were presently hanged except Elizabeth Procter, whose pregnancy was pleaded in delay. Her true and faithful husband, in spite of a letter to the Boston ministers, denouncing the falsehood of the witnesses, complaining that confessions had been extorted by torture, and begging for a trial at Boston or before other judges, was found guilty, and suffered with the rest. Another of this unfortunate company was John Willard, employed as an officer to arrest the accused, but whose imprudent expression of some doubts on the subject had caused him to be accused also. He had fled, but was pursued and taken, and was now tried and executed. His behavior, and that of Procter, at the place of execution, made, however, a deep impression on many minds.

1692. Aug. 5.

A still more remarkable case was that of George Burroughs, a minister whom the incursions of the Eastern Indians had lately driven from Saco back to Salem village, where he had formerly preached, and where he now found among his former parishioners enemies more implacable even than the Indians. It was the misfortune of Burroughs to have many enemies, in part, perhaps, by his own fault. Encouragement was thus found to accuse him. Some of the witnesses had seen him at witches' meetings; others had seen the apparitions of his dead wives, which accused him of cruelty. These witnesses, with great symptoms of horror and alarm, even pretended to see these dead wives again appearing to them in open court. Though small of size, Burroughs was remarkably strong, instances of which were given in proof that the devil helped him. Stoughton treated him with cruel insolence, and did his best to confuse and confound him. What ensured his condem-

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nation was a paper he handed to the jury, an extract from some author, denying the possibility of witchcraft.

1692. Aug 19. Burroughs's speech from the gallows affected many, especially the fluent fervency of his prayers, concluding with the Lord's Prayer, which no witch, it was thought, could repeat correctly. Several, indeed, had been already detected by some slight error or mispronunciation in attempting it. The impression, however, which Burroughs might have produced, was neutralized by Cotton Mather, who appeared on horseback among the crowd, and took occasion to remind the people that Burroughs, though a preacher, was no "ordained" minister, and that the devil would sometimes assume even the garb of an angel of light.

Sept. 9. At a fourth session of the court, six women were tried

Sept. 17. and found guilty. At another session shortly after, eight women and one man were convicted, all of whom received sentence of death. An old man of eighty, who refused to plead, was pressed to death—a barbarous infliction prescribed by the common law for such cases.

Ever since the trials began, it had been evident that confession was the only avenue to safety. Several of those now found guilty confessed and were reprieved; but Samuel Woodwell, having retracted his confession, along with seven others who persisted in their innocence,

Sept. 23. was sent to execution. "The afflicted" numbered by this time about fifty; fifty-five had confessed themselves witches and turned accusers; twenty persons had already suffered death; eight more were under sentence; the jails were full of prisoners, and new accusations were added every day. Such was the state of things when the court adjourned to the first Monday in November.

Cotton Mather employed this interval in preparing his "Wonders of the Invisible World," containing an ex-

ulting account of the late trials, giving full credit to the statements of the afflicted and the confessors, and vaunting the good effects of the late executions in "the strange deliverance of some that had lain for many years in a most sad condition, under they knew not what evil hand." CHAPTER XX. 1692.

While the witch trials were going on, the governor had hastened to Pemaquid, and in accordance with instructions brought with him from England, though at an expense to the province which caused loud complaints, had built there a strong stone fort. Colonel Church had been employed, in the mean time, with four hundred men, in scouring the shores of the Penobscot and the banks of the Kennebec.

Notwithstanding some slight cautions about trusting too much to spectral evidence, Mather's book, which professed to be published at the special request of the governor, was evidently intended to stimulate to further proceedings. But, before its publication, the reign of terror had already reached such a height as to commence working its own cure. The accusers, grown bold with success, had begun to implicate persons whose character and condition had seemed to place them beyond the possibility of assault. Even "the generation of the children of God" were in danger. One of the Andover ministers had been implicated; but two of the confessing witches came to his rescue by declaring that they had surreptitiously carried his shape to a witches' meeting, in order to create a belief that he was there. Hale, minister of Beverly, had been very active against the witches; but when his own wife was charged, he began to hesitate. A son of Governor Bradstreet, a magistrate of Andover, having refused to issue any more warrants, was himself accused, and his brother soon after, on the charge of bewitching

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a dog. Both were obliged to fly for their lives. Several prisoners, by the favor of friends, escaped to Rhode

1692. Island, but, finding themselves in danger there, fled to New York, where Governor Fletcher gave them protection. Their property was seized as forfeited by their flight. Lady Phipps, applied to in her husband's absence on behalf of an unfortunate prisoner, issued a warrant to the jailer in her own name, and had thus, rather irregularly, procured his discharge. Some of the accusers, it is said, began to throw out insinuations even against her.

The extraordinary proceedings on the commitments and trials; the determination of the magistrates to overlook the most obvious falsehoods and contradictions on the part of the afflicted and the confessors, under pretense that the devil took away their memories and imposed upon their brain, while yet reliance was placed on their testimony to convict the accused; the partiality exhibited in omitting to take any notice of certain accusations; the violent means employed to obtain confessions, amounting sometimes to positive torture; the total disregard of retractions made voluntarily, and even at the hazard of life—all these circumstances had impressed the attention of the more rational part of the community; and, in this crisis of danger and alarm, the meeting of the General Court was most anxiously awaited.

October. When that body assembled, a remonstrance came in from Andover against the condemnation of persons of good fame on the testimony of children and others "under diabolical influences." What action was taken on this remonstrance does not appear. The court was chiefly occupied in the passage of a number of acts, embodying some of the chief points of the old civil and criminal

laws of the colony. The capital punishment of witchcraft was specially provided for in the very terms of the English act of Parliament. Heresy and blasphemy were also continued as capital offenses. By the organization of the Superior Court under the charter, the special commission for the trial of witches was superseded. But of this Superior Court Stoughton was appointed chief justice, and three of his four colleagues had sat with him in the special court. CHAPTER XX. 1692. October.

There is no evidence that these judges had undergone any change of opinion; but when the new court proceeded to hold a special term at Salem for the continuation of the witch trials, a decided alteration in public feeling became apparent. Six women of Andover renounced their confessions, and sent in a memorial to that effect. Of fifty-six indictments laid before the grand jury, only twenty-six were returned true bills. Of the persons tried, three only were found guilty. Several others were acquitted, the first instances of the sort since the trials began. The court then proceeded to Charlestown, where many were in prison on the same charge. The case of a woman who for twenty or thirty years had been reputed a witch, was selected for trial. Many witnesses testified against her; but the spectral evidence had fallen into total discredit, and was not used. Though as strong a case was made out as any at Salem, the woman was acquitted, with her daughter, grand-daughter, and several others. News presently came of a reprieve for those under sentence of death at Salem, at which Stoughton was so enraged that he left the bench, exclaiming, "Who it is that obstructs the course of justice, I know not; the Lord be merciful to the country!" nor did he again take his seat during that term. 1693. Jan.

At the first session of the Superior Court at Boston, April 25

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the grand jury, though sent out to reconsider the matter, refused to find a bill even against a confessing witch.

1693. The idea was already prevalent that some great mistakes had been committed at Salem. The reality of witchcraft was still insisted upon as zealously as ever, but the impression was strong that the devil had used "the afflicted" as his instruments to occasion the shedding of innocent blood. On behalf of the ministers, Increase Mather came out with his "Cases of Conscience concerning Witchcraft," in which, while he argued with great learning that spectral evidence was not infallible, and that the devil might assume the shape of an innocent man, he yet strenuously maintained as sufficient proof confession, or "the speaking such words or the doing such things as none but such as have familiarity with the devil ever did or can do." As to such as falsely confessed themselves witches, and were hanged in consequence, Mather thought that was no more than they deserved.

King William's veto on the witchcraft act prevented any further trials; and presently, by Phipps's order, all the prisoners were discharged. To a similar veto Massachusetts owes it that heresy and blasphemy ceased to appear as capital crimes on her statute-book.

The Mathers gave still further proof of faith unshaken

Sept. by discovering an afflicted damsel in Boston, whom they visited and prayed with, and of whose case Cotton Mather wrote an account, circulated in manuscript. This damsel, however, had the discretion to accuse nobody, the specters that beset her being all veiled. Reason and common sense, at last, found an advocate in Robert Calef, a citizen of Boston, sneered at by Cotton Mather as "a weaver who pretended to be a merchant," and afterward, when he grew more angry, as "a coal sent

from hell" to blacken his character—a man, however, of sound intelligence and courageous spirit. Calef wrote an account, also handed about in manuscript, of what had been said and done during a visitation of the Mathers to this afflicted damsel, an exposure of her imposture and their credulity, which so nettled Cotton Mather that he commenced a prosecution for slander against Calef, which, however, he soon saw reason to drop. CHAPTER XX. 1693

Calef then addressed a series of letters to Mather and the other Boston ministers, in which he denied and ridiculed the reality of any such compacts with the devil as were commonly believed in under the name of witchcraft. The witchcraft spoken of in the Bible meant no more, he maintained, than "hatred or opposition to the word and worship of God, and seeking to seduce therefrom by some sign"—a definition which he had found in some English writer on the subject, and which he fortified by divers texts.

It was, perhaps, to furnish materials for a reply to Calef that a circular from Harvard College, signed by Increase Mather as president, and by all the neighboring ministers as fellows, invited reports of "apparitions, possessions, enchantments, and all extraordinary things, wherein the existence and agency of the invisible world is more sensibly demonstrated," to be used "as some fit assembly of ministers might direct." But the "invisible world" was fast ceasing to be visible, and Cotton Mather laments that in ten years scarce five returns were received to this circular. 1695. March 5.

Yet the idea of some supernatural visitation at Salem was but very slowly relinquished, being still persisted in even by those penitent actors in the scene who confessed and lamented their own delusion and blood-guiltiness. Such were Sewell, one of the judges; Noyes,

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one of the most active prosecutors; and several of the jurymen who had sat on the trials. The witnesses upon
1693. whose testimony so many innocent persons had suffered were never called to any account. When Calef's letters
1700. were presently published in London, together with his account of the supposed witchcraft, the book was burned in the college yard at Cambridge by order of Increase Mather. The members of the Boston North Church came out also with a pamphlet in defense of their pastors. Hale, minister of Beverly, in his "Modest Inquiry
1697. into the Nature of Witchcraft," and Cotton Mather in
1702. his "Magnalia," though they admit there had been "a going too far" in the affair at Salem, are yet still as strenuous as ever for the reality of witchcraft. Nor were they without support from abroad. Dr. Watts, then one of the chief leaders of the English Dissenters, wrote to Cotton Mather, "I am persuaded there was much agency of the devil in those affairs, and perhaps there were some real witches too." Twenty years elapsed before the heirs of the victims, and those who had been obliged to fly for their lives, obtained some partial indemnity for their pecuniary losses. Stoughton and Cotton Mather, though they never expressed the least regret or contrition for their part in the affair, still maintained their places in the public estimation. Just as the trials were concluded, Stoughton, though he held the king's commis-
1693. sion as lieutenant governor, was chosen a counselor—a
May. mark of confidence which the theocratic majority did not choose to extend to several of the moderate party named in the original appointment—and to this post he was annually re-elected as long as he lived; while Moody, because he had favored the escape of some of the accused, found it necessary to resign his pastorship of the First Church of Boston, and to return again to Portsmouth.

Yet we need less wonder at the pertinacity with which this delusion was adhered to, when we find Addison arguing for the reality of witchcraft at the same time that he refuses to believe in any modern instance of it; and even Blackstone, half a century after, gravely declaring that "to deny the possibility, nay, actual existence of witchcraft and sorcery, is at once flatly to contradict the revealed word of God in various passages both of the Old and New Testament." CHAPTER XX. 1693.

The witchcraft delusion was hardly over when Boston was visited by a pestilential disease, probably the yellow fever, brought there by a fleet and army from the West Indies, ordered to Boston to co-operate in an attack on Canada. But, as no notice had been received of this intended expedition, there were no preparations to co-operate. The five hundred soldiers kept on foot by Massachusetts were absent at the eastward, scouring the banks of the Saco and the Kennebec. The auxiliary fleet and army arrived in a totally disabled state, more than half the men having perished. No expedition against Canada could be undertaken; but Phipps succeeded in arranging a peace with the Eastern Indians, not destined, however, to be of long continuance. June. Aug.

Under the old charter of Massachusetts the laws had existed in the shape of a code, modified from time to time by successive revisions. This important advantage was now lost. A committee, appointed at the first session of the new General Court to revise the old laws, instead of bringing in a complete code, reported a number of detached acts, many of which were vetoed in England. Such was the fate of a bill of rights passed at the second session, of a habeas corpus act, and, as we have seen, of a code of criminal law, compiled from the old statutes. Among the laws of this session which escaped the royal 1692. June. Oct.

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veto were important acts founded on the old polity, regulating the distribution of intestate estates, providing for the support of common schools, and conferring on the Congregational system the prerogatives of an established church.

Every town was obliged to support a Congregational minister, toward whose salary all the inhabitants were to be taxed, even those who might belong to dissenting societies. The minister had a life-tenure in his office, from which he could not be displaced except for cause, and by the advice and consent of a council of neighboring churches. The right of selecting, or "calling" the minister, remained with the church, but he could not be "settled," so as to make the town liable for his support, without the concurrence of a majority of the legal voters. Thus two "calls" became necessary, one by the church, the other by the parish. Massachusetts contained, at this time, upward of eighty churches; the whole number in New England was about one hundred and twenty. With very few exceptions, the ministers of these churches had been educated at Harvard College. In addition to the hundred and fifty ministers already supplied by that institution, New England had enjoyed the services of one hundred and five ministerial emigrants from the mother country, including fourteen who had left before their education was completed, and as many more who had emigrated since the restoration of Episcopacy, but excluding some twenty others, whom Cotton Mather, in his "Magnalia," classes as "anomalies, either so erroneous in their principles, or so scandalous in their practices, or so disagreeable to the church order for which the country was planted," that he can not well "crowd them into the company of our worthies," though he admits that among

the number were some "godly Anabaptists" and some "godly Episcopalians." CHAPTER XX.

1693 Travel, play, or work on the Lord's day were prohibited by statute, and the constables and tithing men were specially charged "to restrain all persons from swimming in the waters, unnecessary and unreasonable walking in the streets or fields of the town of Boston or other places, keeping open their shops, or following their secular occasions or recreations in the evening preceding the Lord's day, or any part of said day or evening following."

1694. 1698. Though the first attempts at criminal legislation had been defeated by the royal veto, two characteristic acts were soon allowed to pass, the one providing a punishment for adultery, the other for atheism and blasphemy, capital offenses under the old code. In cases of adultery, the guilty parties were "to be set upon the gallows, with a rope about their necks, the other end to be cast over the gallows, and in the way from thence to the common jail to be severely whipped, not exceeding forty stripes, and forever after to wear a capital A, of two inches long and proportional bigness, cut out in cloth of a contrary color to their clothes, and sewed upon their upper garments, on the outside of their arm, or on their back in open view," and whenever caught without this badge to be whipped fifteen stripes. Atheism and blasphemy, including the offense of denying any one of the canonical books of Scripture to be the inspired word of God, were to be punished with six months' imprisonment, to be continued till sureties were given for good behavior; setting in the pillory; whipping; boring through the tongue with a red hot iron; sitting on the gallows with a rope about the neck; any two of these punishments at the discretion of the court—penalties which fell short,

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as we shall presently see, of those enacted in Maryland and Virginia for the same offenses.

1693. Under the new charter of Massachusetts, the English practice was introduced of issuing commissions to certain persons in each county as justices of the peace, to whom also a civil jurisdiction as to sums less than forty shillings was presently given. The judiciary, as finally
1698. organized by statute, included a Superior Court of five judges, to which was assigned all the jurisdiction of the English Common Pleas, King's Bench, and Exchequer; County Courts of Common Pleas for smaller civil cases; and Courts of Sessions, composed of all the justices in each county, for the trial of inferior criminal cases and the management of county affairs. Separate Courts of Probate were established for the settlement of the estates of deceased persons. A Court of Chancery was once provided, but as its organization was not approved by the king, that part of the scheme was dropped, and Massachusetts remained without any equity jurisdiction. Four separate judiciary acts had to be passed before the matter could be satisfactorily arranged. An attorney general was appointed to conduct public prosecution, but as yet the practice of the law seems not to have existed in New England as a separate profession. Neither Stoughton nor any of his colleagues on the bench had been educated as lawyers.

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PROGRESS AND CONCLUSION OF THE FIRST INTERCOLONIAL WAR. BOARD OF TRADE AND PLANTATIONS. ENFORCEMENT OF RESTRICTIONS ON COLONIAL COMMERCE.

WHILE New England and New York were suffering from war, superstition, and the bitterness of faction, Pennsylvania was not without internal troubles. These troubles originated with George Keith, a Scotch Quaker, formerly surveyor general of East Jersey, and at this time master of the Quaker school at Philadelphia, and champion of the Quakers against Cotton Mather and the Boston ministers. Pressing the doctrines of non-resistance to their logical conclusion, Keith advanced the opinion that Quaker principles were not consistent with the exercise of political authority. He also attacked negro slavery as inconsistent with those principles. There is no surer way of giving mortal offense to a sect or a party than to call upon it to be consistent with its own professed doctrines. Keith was disowned by the yearly meeting, but he forthwith instituted a meeting of his own, to which he gave the name of Christian Quakers. In reply to a "Testimony of Denial" put forth against him, he published an "Address," in which he handled his adversaries with very little ceremony. He was fined by the Quaker magistrates for insolence, and Bradford, the only printer in the colony, was called to account for having published Keith's address. Though he obtained a discharge, Bradford, however, judged it expedient to

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remove with his types to New York, which now first obtained a printing press.

1692. The Episcopalians and other non-Quakers professed great sympathy for Keith, and raised a loud outcry against Quaker intolerance. Keith himself presently embraced Episcopacy, went to England, and took orders there. The Quaker magistrates were accused of hostility to the Church of England, and in the alleged maladministration of his agents, joined with his own suspected loyalty, a pretense was found for depriving Penn of the government—a step taken by the Privy Council without any of the forms, or, indeed, any authority of law, though justified by the opinions of some of the leading Whig lawyers of that day.

A similar stretch of power was exercised at the same time in the case of Penn's late opponent, Lord Baltimore. After a tedious examination, during which no other charge was brought against him except that he was a papist, on that single ground, by an order in council, he was deprived of the administration of Maryland, though still allowed to enjoy his quit-rents, tonnage duty, and other income.

The government of Maryland for the past three years had remained in the hands of the insurgents. Being thus assumed by the crown, William sent out Lionel Copley as royal governor, with whom went Thomas Bray, ecclesiastical commissary for the Bishop of London. An Assembly called by Copley made a complete revolution in the political and ecclesiastical constitution of the province. All the existing laws were repealed, and a new code enacted, founded, indeed, for the most part, on previous legislation, but differing in some essential particulars. The system of the non-pre-eminence of any religious sect, and of the support by each sect of

its own clergy, introduced at the planting of the colony and hitherto maintained, was now overturned. The Church of England was established by law. The province being divided into thirty parishes, glebes were set apart for the clergy; and every tithable, whatever his own private opinions, was subjected to a tax of forty pounds of tobacco for the support of the parish ministers. This act was disallowed by King William, on account of some claims of political privileges subjoined to it; but already it had been carried into effect; and ultimately, in a new draft, obtained the royal sanction. Nor did the matter stop here. In the very province which they had planted, the Catholics soon found themselves disfranchised, and their social as well as political rights cruelly invaded.

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A hearing before the Privy Council of the complaints of the Virginians against Effingham had resulted in a recommendation to abandon some of the new fees, and the claim also of the governor to license all attorneys. The fines and forfeitures, about the appropriation of which there had been some dispute, were declared to be at the sole disposal of the crown; but their appropriation to the "better government" of the province was recommended, at the sole discretion of the king. The personal charges against Effingham were not sustained. King William renewed his commission, but he did not again return to the colony.

1689. Sept.

Nicholson, the late lieutenant governor of New York, not having interest enough to compete with Sloughter for the appointment to that province, accepted a place as Effingham's lieutenant, and, as such, was presently sworn into office. At the same time was laid before the council the commission of James Blair as commissary of the Bishop of London. A Scotsman by birth,

1690. June 4.

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a man of zeal and talent, Blair had first come to Virginia, five years before, as a missionary preacher. Having presently attained a seat in the council, he acted for many years a conspicuous part. His new authority as commissary resembled, in some respects, that of a pope's legate. He represented the person and dignity of the "right reverend father in God," from whom he derived his commission; he made visitations, inquired into and corrected the discipline of the churches, and acted, in fact, with the power and authority of a bishop Highly zealous for the church, he relished also civil authority, and for the next fifty years showed himself, in the struggle for power, more than a match for Nicholson and his successors. He was allowed, by way of salary, £100 per annum out of the quit-rents.

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Blair had already revived the long-deferred project of a college for Virginia. Nicholson, always busy about something, zealously seconded the proposal. A considerable subscription having been obtained, the Assembly presently sent Blair to England, with an address recommending the proposed college to their majesties' patronage. The king granted a charter creating a corporation, to be composed of a president, six professors or masters, with a hundred scholars, more or less, entitled to a representative in the House of Burgesses, and subject to the supervision of a rector and eighteen visitors, who possessed the power to fill their own vacancies. It was the great object of this college, the second in the British colonies, to educate in Virginia a domestic succession of Church of England ministers. But the education of the Indians was not overlooked. Robert Boyle made a large donation for that purpose, and many Indian children were taught in a school attached to the college. The Assembly granted, in aid of the funds, a duty on

1691. April.

skins and furs. The king gave outstanding quit-rents, valued at £2000, twenty thousand acres of choice land, the produce of the intercolonial duty on tobacco, and the office of surveyor general, which the college exercised by deputies. Moderate as this endowment appears, it seemed very extravagant to Attorney-general Seymour. "Consider, sir," said the earnest Blair, "that the people of Virginia have souls to save." "Damn your soûls," was the gruff reply: "make tobacco"—a rude but emphatic expression of the current idea that the colonies existed only for the consumption of English manufactures, and the production of merchantable articles for the benefit of English trade. CHAPTER XXI. 1691.

At two successive Assemblies held by Nicholson several important acts were passed. The scheme for establishing towns was revived; but, owing to the obstacles it encountered, and the opposition of the English merchants, was soon suspended. "Forasmuch as for some time past the inhabitants of this country have suffered great want of linen by reason of the wars," every tithable, by the revival of an old law, was required to produce annually one pound of dressed hemp or flax. To prevent "divers and sundry deceits and abuses" by tanners, curriers, and shoemakers, there were to be appointed, as in Massachusetts, searchers and examiners of leather, shoes, and boots. "And for the avoiding of all ambiguities and doubts which may and do grow and arise upon the definition and interpretation of this word leather, be it enacted and declared that the hides and skins of ox, steer, bull, cow, calf, deer, goats, and sheep, being tanned, shall be, and ever hath been reported and taken leather." The act imposing duties on liquors imported from elsewhere than England was continued in force, the produce of it, as well as of the duty on skins and furs, being made payable to

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a special colonial treasurer—an office now first created by the Assembly, as distinct from the king's receiver general to whom the export duty on tobacco was payable.

An act "for the more effectual suppressing the several sins and offenses of swearing, cursing, profaning God's holy name, Sabbath abusing, drunkenness, fornication, and adultery," the handiwork, we may suppose, of Mr. Commissary Blair, imposed on every oath the penalty of one shilling; "and forasmuch as nothing is more acceptable to God than the true and sincere service and worship of him according to his holy will, and that the holy keeping of the Lord's day is a principal part of the true service of God, which in very many places of this dominion hath been and is now profaned and neglected by a disorderly sort of people," it is therefore enacted "that there shall be no meetings, assemblies, or concourse of people out of their own parishes on the Lord's day, and that no person or persons whatsoever shall travel upon the said day, and that no other thing or matter whatsoever be done on that day which tends to the profanation of the same," under pain of twenty shillings. "And whereas that odious and loathsome sin of drunkenness is of too common use within this dominion, being the root and foundation of many other enormous sins—as bloodshed, stabbing, murder, swearing, fornication, adultery, and such like, to the great dishonor of God and of this dominion, the overthrow of many good arts and manual trades, the disabling of diverse workmen, and the general impoverishing of many of their majesty's good subjects, abusively wasting the good creatures of God;" for the suppression of the same, all drunkards were to be fined ten shillings; if not able to pay, to be committed to the stocks for the space of three full hours. Fornicators were to be fined ten pounds sterling; adul-

terers twice as much; or, if unable to pay, to be whipped "on his, her, or their bare backs thirty lashes well laid on," or be imprisoned three months. "And whereas many inhabitants of this country, of dissolute and ill lives and conversations, entertain many times in their houses women of ill names and reputation, suspected of incontinency, or by other indirect means provide for the maintenance of such women, whose company they frequent," every person so offending or frequenting the company of such lewd women, "after public admonition to avoid the same, given by the ministers and church-wardens by and with the consent of the vestries," or by the church-wardens alone if there be no minister, "shall forfeit and pay for every time it shall be proved that he or they have been in company of such woman or women, after such admonition as aforesaid, as if he or they had been really convicted of adultery; and every woman guilty of the same offense shall receive the same punishment." All fines under this act were to be appropriated one third to the informer, one third toward the church or chapel of ease of the parish, and the remaining third to the maintenance of the minister.

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An "act for suppressing outlying slaves," after setting forth in a preamble that "many times negroes, mulattoes, and other slaves unlawfully absent themselves from their masters and mistresses' service, and lie hid, and lurk in obscure places, killing hogs, and committing other injuries to the inhabitants of this dominion," authorizes any two justices, one being of the quorum, to issue their warrant to the sheriff for the arrest of any such outlying slaves. Whereupon the sheriff is to raise the necessary force, and if the slaves resist, run away, or refuse to surrender, they may be lawfully killed and destroyed "by guns, or any other way whatsoever," the master,

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in such cases, to receive from the public four thousand pounds of tobacco for the loss of his slave.

1692. Individual runaways seem at times to have made
1701. themselves formidable. We find, a few years later, an act setting forth that one Billy, a negro, slave to John Tillet, "has several years unlawfully absented himself from his master's service, lying out, and lurking in obscure places, supposed within the counties of James City, York, and Kent, devouring and destroying the stocks and crops, robbing the houses of, and committing and threatening other injuries to several of his majesty's good and liege people within this his colony and dominion of Virginia, in contempt of the good laws thereof;" wherefore the said Billy is declared by the act guilty of a capital offense; and "whosoever shall kill and destroy the said negro slave Billy, or apprehend and deliver him to justice," is to be rewarded with a thousand pounds of tobacco; and all persons entertaining him, or trading and trucking with him, are declared guilty of felony; his master, if he be killed, to receive as compensation from the public four thousand pounds of tobacco.

The same statute above cited for suppressing outlying slaves, contains the first provision to be found in the Virginia laws on the subject of the intermixture of the races: "For the prevention of that abominable mixture and spurious issue which hereafter may increase in this dominion, as well by negroes, mulattoes, and Indians intermarrying with English or other white women, as by their unlawful accompanying with one another," any free white man or woman intermarrying with a negro, mulatto, or Indian, was to be forever banished—a pun-
1705. ishment changed a few years after to six months' imprisonment and a fine of ten pounds. White women having mulatto children without marriage were to pay

fifteen pounds sterling, or be sold for five years, that pe- CHAPTER XXI.
riod, if they were servants, to take effect from the ex- _____
piration of their former term, the child to be bound out 1692.
as a servant till thirty years of age.

Another clause of this act placed a serious restraint upon emancipation, by enacting that no negro or mulatto slave shall be set free, unless the emancipator pay for his transportation out of the country within six months. Yet the manumission was not void. The idea of reducing again to slavery persons once made free was not yet arrived at. A violation of the act exposed to a penalty of ten pounds, to be appropriated toward the transportation out of the colony of the freed slave.

The practice of special summary tribunals for the trial of slaves charged with crimes was now first introduced—another remarkable deviation from the English law. Any slave guilty of any offense punishable by the law of England with death or loss of member, was to be forthwith committed to the county jail, there to be kept "well laden with irons," and, upon notice of the fact, the governor was to issue a commission to any persons of the county he might see fit, before whom the prisoner was to be arraigned, indicted, tried "without the solemnity of a jury," and on the oath of two witnesses or one witness, "with pregnant circumstances" or confession, was to be found guilty and sentenced. The same act, by another section, forbade slaves to keep horses, cattle, or hogs. It also provided that the owner should be liable for damage done "by any negro or other slave living at a quarter where there is no Christian overseer."

These laws indicate the start which the slave trade had recently received, and the rapid increase in Virginia of slave population.

Considering "that great and many are the dangers

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which surround and threaten this dominion, being a defenseless and open country, subject to invasions and incursions of our inveterate enemies, most neighboring countries having already been involved in such difficulties and troubles; that we be not wholly surprised in case we be visited by such afflictions," the Assembly gave their sanction to a scheme already adopted by the lieutenant governor and council, of placing upon each of the four great rivers a lieutenant, eleven soldiers, and two Indians, "well furnished with horses and other accouterments, to range and scout about the heads of the said great rivers." A road was also to be laid out from some convenient point "above the inhabitants on the north side of James River, to some place above the inhabitants on the Rappahannoc River, to be cleared twenty-five feet wide;" and for the next three years no surveys were to be made west of that road.

An act of the same session, repealing all former acts and clauses of acts restraining trade with Indians, and declaring henceforth "a free and open trade for all persons, at all times and at all places, with all Indians whatsoever," is of no slight importance in the judicial history of Virginia. Very shortly after the Declaration of Independence, while the flame of liberty still burned bright, it was decided by the General Court, and that decision was presently sustained by the subsequently-established Court of Appeals, that the permission of a free trade at all times and places with all Indians, amounted, in law, to a guarantee to all Indians against being reduced to slavery; because, how can there be free trade with slaves? (2 Henning and Mumford's Virginia Reports, 149; Pallas and al. *vs.* Hill and al.) Under this very remarkable decision, founded upon principles which, if extended to the rest of the statute-book, would have left

very little, if any, slave law in Virginia, a considerable number of the descendants of Indians, whose ancestors were made slaves of, or brought as such into the province subsequently to 1692, have been set at liberty by the Virginia courts. Law, however, is but a feeble guarantee to the ignorant and the helpless. In spite of these decisions, "thousands of the descendants of Indians in Virginia," so says Henning, the laborious and judicious editor of the Virginia statutes, "are still unjustly deprived of their liberty." It is, indeed, only among the slaves and the free colored people that any representatives are now to be found of the aboriginal inhabitants of Virginia—a genealogy carefully preserved by a portion of the colored people there. As in all those parts of America where negro slavery prevails, these descendants of Indians, as if to throw ridicule on the pride of caste, plume themselves not a little on their free descent. However depressed in point of fact or law, they look with quite as much scorn as their white neighbors on those of African blood. This pride of caste, it may indeed be observed, is always in pretty exact proportion to moral and intellectual degradation, disappearing as humanity and enlightenment make progress.

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Nicholson was soon superseded by Sir Edmund Andros, who received, in compensation for his late imprisonment in New England, the government of Virginia as Effingham's successor. In Virginia Andros was comparatively popular; and, by collecting and preserving what yet remained of the old Virginia records, he has entitled himself to lasting gratitude. An act, passed shortly after his arrival, sets forth a royal patent to Thomas Neale to establish a post in the American colonies for the transportation of letters and packets, "at such rates as the planters should agree to give," or pro-

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portionable to the rates of the English post-office. Rates of postage were accordingly authorized, and the estab-

1693. lishment of a post-office in each county. Similar laws being passed in Massachusetts and other colonies, not, however, without the exhibition of some doubts and jealousy, a colonial post-office system, though of a very limited and imperfect character, was presently established under this patent.

1696. Another act, a few years after, fixed the salaries of the ministers at sixteen thousand pounds of tobacco, besides perquisites, and a glebe to be provided by the parish—a rate at which they remained till the Revolution. There were at this period about fifty parishes, but the larger ones had generally one or more chapels of ease.

1694. Superseded in Virginia, Nicholson succeeded Copley as royal governor of Maryland. There, too, his restless activity found exercise. The old Catholic capital of St. Mary's was abandoned, and the seat of government transferred to the Protestant head-quarters on the Severn, where a town had been laid out, now named *Annapolis*. Of the ancient capital of St. Mary's, the only remaining traces are the ruins of an old brick church.

A law was also passed for establishing free schools, one especially at Annapolis, and appropriating toward their endowment sundry imposts on negroes and spirits imported, and on skins, furs, beef, and pork exported.

1696. A new act for legalizing the church establishment included, like its predecessor, some political guarantees, and, like its predecessor, was on that account rejected

1691. July. After the sudden death of Sloughter, having remained for a year or more under the administration of Ingolsby,

1692. Sept. New York received a new governor in the person of Benjamin Fletcher, also a military officer, needy and greedy,

who fell, like his predecessor, entirely under the influence of the anti-Leislerian party. Fletcher brought with him presents for the Indians, military supplies, and two additional independent companies. New York had started the idea that the other provinces ought to be made to contribute to her defense, serving as she did as a barrier against Canada; and, in conformity with this suggestion, a royal letter presently conveyed to all the colonies except Carolina an order to that effect, suggesting, also, a colonial Congress for the assignment of quotas. A few months after Fletcher's arrival, a force from Canada of five or six hundred men surprised three of the Mohawk castles, and took prisoners three hundred of their warriors. The French desired to kill the prisoners by way of facilitating the retreat; but to this the Indian allies would not agree. Schuyler pursued from Albany, and Fletcher hastily came up from New York with the independent companies and a body of volunteers. The Mohawks complimented his promptitude by the name of the "Great Swift Arrow;" but the invaders had escaped, and the Indians, greatly discouraged at their heavy loss, became strongly inclined to make peace with the French.

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1693. Feb.

Besides his commission for New York, Fletcher was authorized to administer the government of Pennsylvania and Delaware, of which Penn, as we have seen, had been lately deprived. He accordingly visited Philadelphia, and called an Assembly, in which deputies from both provinces were present. Penn's frame of government was disregarded, the Assembly being modeled after that of New York. Fletcher hoped to obtain a salary for himself and some contributions toward the defense of the northern frontier. The Quakers, very reluctant to vote money at all, had special scruples about the law-

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fulness of war. They were also very suspicious of designs against their liberties, and refused to enter on any
1693. business until the existing laws and liberties of the province had been first expressly confirmed. This concession reluctantly made, Fletcher obtained the grant of a small sum of money, not, however, without stipulating that it "should not be dipped in blood."

As a facility toward the defense of New York, Fletcher had been authorized from England to command the militia of New Jersey and Connecticut. He presently
Oct. went to Hartford on this business. The Assembly quoted their charter, and Wadsworth, captain of the Hartford company, drowned the reading of the commission by ordering the drums to beat. Fitz-John Winthrop was sent as agent to England; and the objections taken to Fletcher's commission as a violation of the Connecticut charter were sustained. Connecticut promised, however, to be ready at all times to furnish a quota of one hundred and twenty men for the defense of New York. This decision covered also the case of Rhode Island, the command of whose militia, under a similar commission, had been given to Phipps.

Phipps's administration was of no long continuance. He got into altercations on some disputed points of authority first with the king's collector at Boston, and next with the captain of a man-of-war on the coast. Being of a hot temper, he used personal violence toward the collector, and, after caning the captain, committed him
1694. to prison. Summoned to England to give an account of his conduct, he procured before departing, though not without some difficulty, an address from the General Court praying that he might not be removed.

The opposition in the House, composed of ultra advocates of the old charter, was led by Cooke, one of the

late agents whom Phipps had refused to accept as a coun- CHAPTER XXI.
selor. Among those most active in this opposition were
several Boston men, who had seats as representatives for 1694
country towns. To get rid of these opponents, an act was introduced and passed by Phipps's party, requiring the members of the House to be residents of the towns they represented—a rule ever since adhered to, though introduced at first for a temporary and personal object. Phipps died shortly after his arrival in England, before 1695.
any final decision had been made.

Abandoning his ill-paid office of chief justice of New York, Dudley had obtained the appointment of governor of the Isle of Wight, in England. He longed to return to Massachusetts, and exerted all his interest to be appointed governor in Phipps's place. He met, however, with a very strong opposition from Sir William Ashurst and Constantine Phipps, agents of Massachusetts. In order to damage Dudley, they availed themselves of their seats in Parliament to call attention to the affair of Leisler's trial. Thus supported, Leisler's son succeeded in obtaining a parliamentary reversal of his father's attainder.

The vacant office of governor of Massachusetts was bestowed on the Earl of Bellamont, an Irish nobleman of cordial manners and liberal politics. But his departure was delayed, and the administration remained for several years in the hands of Stoughton, lieutenant governor and chief justice. Stoughton's conduct in the witch trials had not disgraced him with a community of whose terrors and prejudices he had been but the representative and the instrument. His known friendship for Dudley was a much more serious offense. Yet he prudently conciliated Cooke by allowing him a seat in the council; and his administration, on the whole, was quiet and easy.

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Two additional independent companies had lately been sent from England for the defense of New York, mak-
1694. ing five in all, the first regular English troops permanently stationed in America. Little attention having been paid to the call upon the other colonies for assistance to New York, a definite quota was now assigned to each province to be contributed in case of need.

May. Fletcher strove, on a second visit to Philadelphia, to overcome the scruples of the Quaker Assembly by assuring them that the money he demanded was not wanted for warlike purposes, but for the relief of the Mohawks, reduced to great distress by the recent invasion from Canada. Surely, he said, you will not refuse "to feed the hungry and clothe the naked!" The Quakers seemed willing to put up with this explanation, but they insisted that the money should be disbursed by a treasurer of their own; and, as this did not meet the views or accord with the instructions of Fletcher, the proposed grant fell to the ground.

The suspicions against Penn soon dying away, the ad-
Aug. ministration of his province was restored to him. But the pressure of his private affairs—for he was very much in debt—detained him in England, and he sent a commis-
1695. sion to Markham to act as his deputy. An Assembly
Sept. called by Markham refused to recognize the binding force of Penn's frame of government, which, indeed, had been totally disregarded by Fletcher. To the restrictions on their authority imposed by that frame they would not
1696. submit. A second Assembly proved equally obstinate;
Aug. and, as the only means of obtaining a vote of the money required of the province toward the defense of New York, Markham was obliged to agree to a new act of settlement, securing to the Assembly the right of originating laws. A power of disapproval was reserved, how-

ever, to the proprietary, and this act never received Penn's sanction. CHAPTER XXI.

Massachusetts excused herself from the quota asked for New York, alleging the heavy expenses in which she was involved for the defense of her own frontier and that of New Hampshire. The peace of Pemaquid, with the Eastern tribes, had not been of long duration. Just about the time of Phipps's departure, those Indians, led by French officers, and stimulated by the missionary Thury, renewed the war, killing or carrying off near a hundred of the inhabitants of Oyster River, a village, now Durham, on one of the tributaries of the Piscataqua. To prevent the Five Nations from making peace with the French, for which purpose they had sent messengers to Canada, a treaty was held with them at Albany, at which deputies were present from Massachusetts, Connecticut, New York, and New Jersey. 1694. July. Aug.

After much urging, Maryland voted a small sum toward the defense of New York. Virginia also voted five hundred pounds; but, upon a representation of utter inability, was unwillingly excused by the king from further grants. The military establishment maintained by Virginia, consisting of a captain, lieutenant, eleven rangers, and two Indians at the head of each of the four rivers, was set forth as an intolerable burden, at a time when Massachusetts never had less than five hundred men on foot for the protection of her eastern frontier. 1695.

Professing no less zeal for the spiritual than for the temporal welfare of the province, Fletcher had prevailed on the Assembly of New York to pass an act for building a church in the city, another in Richmond, two in Westchester, and two in Suffolk, in each of which was to be settled "a good, sufficient Protestant minister," on salaries varying from £40 to £100, to be levied by tax 1693.

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on the inhabitants. Trinity Church, in the city of New York, was one of those erected under this act. The
1692. council had inserted an amendment into the bill, giving the appointment of the ministers to the governor; but the House struck it out, much to Fletcher's disgust. "You take it upon you," he said to the Assembly, in his speech at the close of the session, "as if you were dictators. I must tell you it seems very unmannerly. There never yet was an amendment desired by the council but what was rejected. It is the sign of a stubborn ill temper. But, gentlemen, I must take leave to tell you, if you seem to understand that none can serve without your collation or establishment, you are far mistaken; for I have the power of collating or suspending any minister in my government by their majesties' letters patent; and while I stay in the government, I will take care that neither heresy, sedition, schism, nor rebellion be preached among you, nor vice and profanity encouraged. It is my endeavor to lead a virtuous and pious life among you, and to give a good example; I wish you all to do the same."

In spite of this claim on the part of the governor, the next Assembly, on a petition of five church-wardens and vestrymen of the city of New York, expressed their
1695. opinion "that the vestrymen and church-wardens have power to call a dissenting Protestant minister, and that he is to be paid as the act directs." It happened, however, through official influence and management, that all these endowed churches passed by degrees into the hands of the Episcopalians, thus constituting a partial religious establishment. The Dutch Reformed Church,
1696. incorporated by act of Assembly, still acknowledged ecclesiastical dependence on the Classis, or Presbytery of Amsterdam, with which it continued to keep up a cor-

respondence down even to the time of the American Revolution. CHAPTER XXI.

Of the condition of New York at this time, ecclesiastical and moral, we have quite a full account, addressed "to the Right Reverend Father in God, Henry, Lord Bishop of London," by the Reverend John Miller, "near three years resident in the province as chaplain to his majesty's forces." Besides the Dutch Reformed Church and the Episcopal Chapel in the fort, there were in the city a large French Protestant congregation, a smaller one of Dutch Lutherans, and a Jewish Synagogue; also a number of English Dissenters who had no meeting house. There were Dutch Reformed churches at Albany and Kingston, which latter town, fortified by a palisade, was esteemed the third "place of strength" in the colony. On Long Island there were meeting houses in almost every town, but the ministers "such as only call themselves so," "pretended ministers," many of whom "have no orders at all, but set up for themselves of their own head and authority, or, if they have orders, are Presbyterians or Independents." "All these have no other encouragement for the pains they pretend to take than the voluntary contributions of the people, or, at best, a salary by agreement and subscription, which yet they shall not enjoy except they take more care to please the humors and delight the fancies of their hearers than to preach up true religion and a Christian life. Hence it comes to pass that the people live very loosely, and they themselves very poorly at best, if they are not forced for very necessity, and by the malice of some of their hearers, to forsake their congregations. Besides, being of different persuasions, and striving to settle their own sentiments in the hearts of those who are under their ministry, they do more harm in distracting and dividing the people than 1695.

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good in amending their lives and conversations." Even with his own brethren of the Church of England the Reverend John Miller has much fault to find. "They have been here, and are in other provinces, many of them, such as being of a vicious life and conversation, have played so many vile pranks, and shown such an ill light, as have been very prejudicial to religion in general, and the Church of England in particular." This, however, is stated to apply more to the other provinces than to New York, where, besides the chaplain, there had seldom been any other Episcopal clergyman. Our author also complains "of the great negligence of divine things that is generally found in most people; of what sect or party soever they pretend to be, their eternal interests are their least concern. When they have opportunities of serving God, they care not for making use thereof; or if they go to church, 'tis but too often out of curiosity and to find out faults in him that preacheth rather than to hear their own; or, what is yet worse, to slight or deride where they should be serious." "Though there are very few of any sect who are either real or intelligent, yet several of the partisans of each sort have every one such a desire of being uppermost, and increasing the number of their own party, that they not only thereby make themselves unhappy by destroying true piety, and setting up instead thereof a fond heat and blind zeal for they know not what, but also industriously obstruct the settlement of the established religion of the nation, which alone can make them happy."

"In a soil so rank as this, no marvel if the Evil One find a ready entertainment for the seed he is ready to cast in; and from a people so inconstant and regardless of heaven and holy things, no wonder if God withdraw his grace, and give them up a prey to those temptations

which they so industriously seek to embrace." "'Tis CHAPTER XXI.
in this country a common thing, even for the meanest
persons, so soon as the bounty of God has furnished them 1695.
with a plentiful crop, to turn what they earn, as soon as may be, into money, and that money into drink, at the same time when their family at home have nothing but rags to protect their bodies from the winter's cold. Nay, if the fruits of their plantations be such as are by their own immediate labor convertible into liquor, such as cider, perry, &c., they have scarce the patience to stay till it is fit for drinking, but, inviting their pot companions, they all of them, neglecting whatever work they are about, set to it together, and give not over till they have drunk it off. And to these sottish engagements they will make nothing to ride ten or twenty miles, and at the conclusion of one debauch another generally is appointed, except their stock of liquor fail them. Nor are the mean and country people only guilty of this vice, but they are equaled, nay, surpassed, by many in the city of New York, whose daily practice is to frequent the taverns, and to carouse and game their night employment. This course is the ruin and destruction of many merchants, especially those of the younger sort, who, carrying over with them a stock, whether as factors or on their own account, spend even to prodigality, till they find themselves bankrupts ere they are aware.

"In a town where this course of life is led by many, 'tis no wonder if there be other vices in vogue, because they are the natural product of it, such as cursing and swearing, to both of which people are here much accustomed, some doing it in that frequent, horrible, and dreadful manner as if they prided themselves both as to the number and invention of them. This, joined to their profane, atheistical, and scoffing method of discourse,

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makes their company extremely uneasy to sober and religious men." "There are many couples live together without ever being married in any manner of way; many of whom, after they have lived some years so, quarrel, and thereupon separating, take unto themselves, either in New York or some other province, new companions." "Those who in earnest do intend to be married are in so much haste, that commonly enjoyment precedes the marriage, ante-nuptial fornication, where marriage succeeds, being not looked upon as any scandal or sin at all." "There is no sufficient provision for the marrying of people in this province, the most that are married here being married by justices of the peace, for which there neither is, nor can be in New York, any law. On this account, many, looking upon it as no marriage at all, and being easily induced to think it so where they find themselves pinched by the contract, think it no great matter to divorce themselves, as they term it, and marry to others where they can best, and according to their own liking."

It may be observed, in connection with these strictures, that although the pious Fletcher procured an act prohibiting the profanation of the Lord's day by traveling, labor, fishing, hunting, horse-racing, or frequenting tippling houses, under a penalty of six shillings, and though a like penalty was also imposed upon drunkenness, no laws inflicting punishments upon adultery and fornication, like those in the codes of New England, Pennsylvania, Maryland, and Virginia, are to be found among the New York colonial statutes.

"The great, most proper," and, as the Reverend John Miller conceives, "effectual" remedy for all these disorders is "to send over a bishop to the province of New York," "duly qualified, commissioned, and empowered

as suffragan to my Lord of London," to take with him a small force for the subduing of Canada, "and five or six sober young ministers, with Bibles and Prayer-Books;" New York, New Jersey, Connecticut, and Rhode Island to be united into one province, and the bishop to be appointed governor, on a salary of £1500; his majesty also to give him "the farm in New York, commonly called the King's Farm, as a seat for himself and his successors." CHAPTER XXI. 1695.

So far as the English were concerned, the concluding operations of the war in America were but feeble. Able with difficulty to hold his own in Europe, William could bestow but little attention on this distant quarter. It was quite out of his power to grant the aid of a thousand regular troops, which an agent was sent from New York to request. We have already seen the little success of the demand of quotas from the other colonies.

The French were more active. Fort Frontenac was reoccupied, and regular communications, interrupted for several years, were re-established with the posts on the upper lakes. With eight hundred soldiers and a large body of auxiliary Indians the French governor made a destructive foray into the country of the Oneidas and Onondagas, burning their villages on the banks of the Oswego, and destroying their corn. By these vigorous measures, those inveterate enemies were driven, at last, to sue for peace. 1696. July.

What a proof of the leveling influences of war, what a disgrace to the French officers, that they should have suffered a decrepit prisoner a hundred years old to be tortured to death by their Indian allies. "It was indeed," says Charlevoix, "a most singular spectacle to see upward of four hundred tormentors raging about a decrepit old man, from whom, by all their tortures, they could not extract a single groan, and who, as long as he

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lived, did not cease to reproach them with being slaves of the French, of whom he affected to speak with the utmost disdain. When some one, through compassion, or perhaps anger, gave him three sword-thrusts to finish him, 'Better not shorten my life,' he said; 'better improve this opportunity to learn how to die like a man!'"

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While Frontenac carried on these operations in the west, D'Ibberville, a native of Canada, who had already distinguished himself by his exploits on Hudson Bay, arrived from France with two ships and a few troops. Being joined at St. John's and Penobscot by a party of Eastern Indians under Villebon and the Baron St. Castin, he laid siege to and took the Massachusetts fort at Pemaquid. Proceeding to Newfoundland, he took the fort of St. John's, and several other English posts in that island. After wintering at Plaisance, he sailed the next spring for Hudson Bay, where he recovered a fort which the English had taken, and captured two English vessels.

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The capture of the Pemaquid fort resulted in the breaking up and complete ruin of the ancient settlements in that neighborhood. The veteran Church retorted by a foray up the Bay of Fundy; indeed, Ibberville's vessels did but just escape his squadron. He burned the houses of the French settlers at Beau Bassin, the westernmost recess of that bay, and destroyed their cattle, which constituted their chief wealth; but his attempt to dislodge Villebon from St. John's proved a failure.

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The General Court of Massachusetts complained loudly that the whole burden of the defense of New England rested upon them, and petitioned the king that New Hampshire, Rhode Island, and Connecticut might be compelled to render reasonable assistance. John Easton, chosen governor of Rhode Island in 1690, had been suc-

ceeded in 1695 by Caleb Carr, but the next year Walter Clarke was re-elected. Robert Treat, re-chosen governor of Connecticut after the resumption of the charter, continued to hold office till 1696, when he was succeeded by Fitz-John Winthrop. CHAPTER XXI. 1696.

During the winter parties of Indians attacked Andover and Haverhill, then frontier towns, though within twenty-five miles of Boston. The heroism of Hannah Dustin, one of those taken captive at Haverhill, made her famous throughout the colonies. Only a week before her capture she had become a mother; but the infant proving troublesome, the Indians soon dashed out its brains against a tree. When so far clear of the settlements as to be safe from pursuit, as their custom was, they separated into small parties, the easier to find provisions on their way back to Canada. In the division of the prisoners, Hannah Dustin, with her nurse, was assigned to an Indian family of two men, three women, and seven children, besides a white boy, taken prisoner many months before. While still on their journey, and now upward of a hundred miles from Haverhill, stimu lated by the terrible stories which the Indians amused themselves with telling her of the tortures she would be exposed to in running the gauntlet—a ceremony which they represented as indispensable—this energetic woman, having first prevailed on the nurse and boy to join her, rose in the night, waked her confederates, and, with their assistance, killed all the Indians with their own hatchets except two of the youngest, took their scalps, and then, retracing the long journey through the woods, found the way back to Haverhill. In such scenes were the women of those times called on to act! 1697. Feb. March.

The last year of the war was particularly distressing. After suffering from a winter uncommonly severe, and a

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scarcity of provisions, amounting almost to a famine, New England was kept in great alarm for nearly six

1697. months in apprehension of an attack from Canada, to be aided by a fleet from France. The militia were called in for the defense of Boston, thought to be the chief object of the enemy. But the French fleet stopped short at Newfoundland; arrested by the lateness of the season. The French troops from Canada, assembled on the coast of Acadie, returned to Quebec without attempting an attack.

The peace of Ryswick, proclaimed at Boston toward

Dec. the end of the year, put an end to this miserable war. Its operations in Europe had cost the English nation a hundred and fifty millions of dollars, £30,000,000, in taxes, besides another hundred millions, £20,000,000, in loans—the commencement of the English national debt. By the terms of the treaty, each party was to enjoy the territories in America possessed before the war. Provision was made for the appointment of commissioners to agree upon a definitive settlement of boundaries; but nothing of the sort seems to have been done.

1699. Peace thus established with the French, a treaty was presently made by Massachusetts with the Eastern Indians; not, however, till New England had endured another fright from a rumored Indian plot for the destruction of the whites. Whence this rumor came nobody knew; the Indians were, at the same time, frightened by a corresponding rumor of a plot by the whites for their destruction. In the course of the war many of the eastern towns had been broken up, and the settlements of that region had received a check from which they did not recover for many years.

Repeated complaints by the English merchants of colonial violations of the acts of trade, for which the war

had furnished facilities and encouragements, and espe- CHAPTER XXI.
cially of a direct intercourse carried on with Scotland
and Ireland, regarded commercially, at that time, as 1696.
foreign countries, had led, just before the treaty of Ryswick, to the establishment of the BOARD OF TRADE AND PLANTATIONS. This was a permanent commission, consisting of a president and seven members, known as "Lords of Trade," who succeeded to the authority and oversight hitherto exercised by plantation committees of the Privy Council. Subsequently the powers of this board were somewhat curtailed, but down to the period of the American Revolution it continued to exercise a general oversight of the colonies, watching the Assemblies with a jealous eye, struggling hard to uphold the prerogatives of the king and the authority of Parliament, laboring to strengthen the hands of the royal governors, and systematically to carry out the policy of rendering America completely subservient to prevailing narrow views of the commercial interest.

By a cotemporaneous act of Parliament, the statutes for carrying the acts of trade into effect were consolidated, with more stringent provisions. Any direct trade between Ireland and the colonies, except the export of horses, servants, and provisions, was prohibited; indeed Scotland, till the union, stood upon the same ground—those countries being thus put in a worse position than any. The excuse was, that if imports of any sort were allowed, they would be made a cover for smuggling "enumerated articles." An oath to enforce the acts of trade was imposed upon the governors of the chartered colonies; their appointment also was made subject to the royal approval. All colonial statutes or usages in conflict with acts of trade, past or future, were declared void. The same powers were conferred on the king's revenue

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officers in the colonies which the like officers possessed in England. The number of these officers was increased, and at their head was placed a surveyor general, an office bestowed on the active and persevering Randolph, so conspicuous formerly in the history of Massachusetts.

1696. The Board of Trade, in which body the famous Locke had a seat, shortly after their appointment took into consideration the repeated calls of New York and Massachusetts for some system of co-operation, by which all the colonies might be made to contribute their proportion toward the common defense. They suggested a captain general for the colonies, to be appointed by the king, with power to call out and command the colonial militia; but such a military dictatorship, alluded to in a former quotation from Chalmers, would never have been relished in America. Penn proposed, as a counter project, a colonial Congress of twenty members, to be chosen annually by the Assemblies, with a president to be named by the king, to be empowered, during war, to provide for the common defense, and in peace to regulate commerce and adjust colonial disputes, of which several already existed, especially on the subject of boundaries. But the peace of Ryswick caused these plans to be laid aside.

1697. As a further security for the enforcement of the acts of trade, Courts of Vice Admiralty were established throughout the colonies, with power to try admiralty and revenue cases without a jury—the model of our existing United States District Courts. A very strenuous resistance was made to these Vice Admiralty Courts, especially in the chartered colonies. But, after hearing argument upon it, the doctrine was maintained by the Privy Council that nothing prevented the king from establishing an admiralty jurisdiction within every dominion of the crown, chartered or not. The right of appeal

from the colonial courts to the king in council was also sustained, and by this double means the mother country acquired, at length, a judicial control over the colonies, and with it a power, afterward imitated in the Federal Constitution, of bringing her authority to bear not alone upon the colonies as political corporations, but, what was much more effectual, upon the colonists as individuals. CHAPTER XXI. 1697.

The administration of Fletcher as governor of New York had ceased to give satisfaction in England. He was accused of winking at violations of the acts of trade, and of favoring the pirates who still frequented the American harbors. When the remonstrances of Spain had deprived the buccaneers of French and English support, a part of them abandoned the seas, purchased slaves, and commenced sugar plantations in Jamaica and at the west end of Haiti, which, after the decline of the Spanish settlements of that island, had fallen into the hands of the buccaneers. Such was the origin of the French colony of St. Domingo, which became now a thriving settlement. But many of the more daring and restless of these pirates still followed their old business, often finding a welcome in the colonial harbors, where they spent their money freely, and were regarded by the people, and even winked at by the authorities, as profitable visitors. Virginia seems to have been the only colony prompt to comply with the directions from the mother country to enact laws for their punishment and suppression.

The depredations of these pirates extended even to the eastern seas. The prizes which they took were sometimes very valuable, and it was thought that great wealth might be obtained by fitting out vessels to cruise for re-captures. A company for that purpose, in which King William was himself a shareholder, had been formed in England, and a vessel fitted out, the command of which

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was given to Captain Kidd, a New York ship-master, recommended by Livingston, then on a visit to England,
1697. and himself a partner in the company. But Kidd ran away with the ship, turned pirate himself, and committed great depredations in the eastern seas.

Imputations were cast upon all concerned in this business. Kidd was supposed to be lurking somewhere in America; it was deemed important to arrest him; and, besides the commission which Bellamont held for Massachusetts, another was given to him as governor of New
1698. York. He arrived there not long after the peace, spe-
April. cially authorized to investigate Fletcher's conduct, to enforce the acts of trade, to suppress piracy, and, if possible, to arrest Kidd, a matter in which he had the more interest, as being himself a shareholder in the company above mentioned.

As a member of the parliamentary committee appointed to investigate the affair of Leisler's trial and execution, Bellamont had taken a warm interest in the reversal of the attainder of that unfortunate chief. On arriving at New York, he was thus naturally led to connect himself with the Leislerian party, and the more so as they were the opponents of Fletcher, whom he sent home under arrest. The bones of Leisler and Milbourne were disinterred, and, after lying in state for some days, were reburied in the Dutch church. Bellamont gave the Leislerians a majority in the council; and, thus supported, they were also able to obtain a majority in the new Assembly, of which one of the first acts was to vote an indemnity to the heirs of Leisler. By another act, sundry "extravagant grants" of land made by Sloughter were declared void. It was provided by the same act that no governor should alienate for a longer term than his own continuance in office, the King's Farm, the King's Gar-

den, the Swamp, or the Fresh Water, all districts now covered by the city of New York. CHAPTER XXI.

Under authority from the Board of Trade, Bellamont set up a Court of Chancery, according to the scheme previously introduced by Effingham into Virginia, the governor himself acting as judge. This court, in the erection of which the Assembly had no share, became subsequently an object of jealousy. But for the present all was fair weather. The new Assembly voted a revenue for six years, placed, as before, at the sole disposal of the governor. They also passed the required laws for suppressing pirates. A new census gave 18,067 inhabitants. 1698.

After remaining about a year at New York, Bellamont went to Boston, where he superseded Stoughton, and assumed the government. Of affable address and popular manners, he took the direct road to public favor by making much of the ministers and popular leaders. He went, indeed, to the Episcopal Church on Sundays, but was a constant attendant, also, at the Boston weekly lecture, at which he professed to receive great edification. Nor was his rank without its influence. Under the old charter the governors had received scarce $400 per annum; and not much more had been granted either to Phipps or Stoughton. In fourteen months the General Court voted Bellamont near $9000—a greater rate of compensation than any other governor of Massachusetts has ever received. Bellamont first introduced the custom of formal speeches at the opening of the General Court, copies of which were delivered to the two houses, and afterward printed. 1699

Neither Usher, the lieutenant governor of New Hampshire, who fled to Boston in alarm for his life, nor his successor Partridge, who, being a ship-carpenter, had the merit of introducing into that province a profitable tim- 1697.

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1698.

ber trade to Portugal, nor the proprietary Allen, who presently himself assumed the government, were any more successful than Cranfield and Barefoote had formerly been in extorting quit-rents from the settlers of that sturdy little province. Included now under Bellamont's commission, New Hampshire continued for the next forty years to have the same governors as Massachusetts, though generally a lieutenant governor was at the head of the administration.

In neither province was Bellamont fully able to carry out his instructions. The General Court of Massachusetts, pleading poverty in excuse, declined to fortify Boston, much less to rebuild the fort at Pemaquid. They would not take any measures to prevent intrusions on Indian lands at the eastward; many members of the Legislature were themselves, indeed, interested in those intrusions. As to passing laws for enforcing the acts of trade, even the counselors insisted "that they were too much cramped in their liberties already, and they would be great fools to abridge, by a law of their own, the little that was left them."

Re-echoing the complaints of the Boston merchants, these same counselors expressed "their indignation" at the shackles placed by Parliament on their commerce, insisting "that they were as much Englishmen as those in England, having a right to all the privileges which the people of England enjoyed." Atwood, at the same time chief justice of New York and Vice Admiralty judge for the northern district, involved himself in a personal dispute with one of the Boston ministers, who argued that the colonists "were not bound in conscience to obey the laws of England, having no representatives there of their own choosing"—an old doctrine in Massachusetts, overruled for the present, but revived and ef-

fectually maintained at a subsequent period. The same doctrine was current in all the charter colonies, especially in Connecticut and Rhode Island. The "practices" of Rhode Island in violation of the acts of trade had become "so notorious," that Bellamont was specially authorized to investigate the matter. Alarmed at this commission, the Rhode Island Assembly passed an act "for enabling the governor to put in execution the statutes of trade," and another "for putting in force the laws of England in all cases where no particular law of this colony hath provided a remedy." Samuel Cranston, chosen governor of Rhode Island in 1698, continued to be annually re-elected for twenty-eight years. Connecticut also took warning, and offered to give security to obey the acts of trade. CHAPTER XXI. 1700.

After burying a considerable amount of treasure on the east end of Long Island, the original of those piratical deposits about which tradition has invented so many fables, Kidd burned his vessel, and had the hardihood to appear openly at Boston, where he was arrested, and sent to England for trial. As the Assemblies of New England hesitated in passing the required statutes for the trial of piracies, an act of Parliament defined the offense, and authorized the king to appoint commissioners for the trial of offenders, "notwithstanding any patents." Under this act all future trials for piracy were had, by courts specially organized for the purpose, and many pirates were convicted and executed.

Having returned to New York, Bellamont's zeal for the act of navigation involved him in warm controversies with the merchants there. They complained of his conduct to the Board of Trade, and presently to the House of Commons. An inquiry was ordered, but Bellamont's sudden death put a stop to the proceedings. 1701

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1701.

As Nanfan, lieutenant governor of New York, happened to be absent, a violent struggle took place between the two factions in the province and the council for the temporary administration of the government. One party claimed it for the council jointly, the other for the oldest member as president. The assumption of office by Nanfan tended but little to allay these heats. He, like his predecessor, sided warmly with the Leislerians, and the new Assembly which he called was strongly imbued with party spirit. Among other offices held by Livingston, a leader of the anti-Leislerian faction, were those of collector of the customs and receiver of quit-rents. The Assembly called upon him for an account which they knew he could not render, because his papers were in the hands of Lord Bellamont's widow, of which circumstance advantage was taken to pronounce him a defaulter, to expel him from the council, and to confiscate his property. Bayard, another active leader of the anti-Leislerian party, was near experiencing a still severer fate. Having prepared, under the form of addresses to the king and Parliament, some very abusive accounts of Nanfan's administration, he was tried for treason by a special commission under an arbitrary statute, the passage of which, in Sloughter's time, he had himself been active in procuring. That act, the first passed by Sloughter's Assembly, and the first in the new series of New York statutes, provided "that any person endeavoring by any manner of way, on any pretense, by force of arms or otherwise, to disturb the peace, good, or quiet of the province," should be deemed a rebel and traitor, and suffer the penalties of treason. Bayard was treated with great harshness by Atwood, the chief justice, one of the commissioners for trying him. The jury, all Dutchmen, found him guilty; but

the arrival of Lord Cornbury, the new governor, whose aristocratic instincts threw him into the arms of the anti-Leislerian party, put a stop to these violent proceedings. Atwood fled the province. The statute under which Bayard's trial took place was presently repealed by special order of Queen Anne. CHAPTER XXI. 1702. May.

The same charges of opposition to the acts of trade and connivance at piracy which had occasioned the recall of Fletcher from New York, were urged also against Pennsylvania—complaints which the proprietary was repeatedly called upon to answer. As well to regulate these matters as finally to settle the political constitution of the province, after a fifteen years' absence, Penn again embarked for America, taking his family with him, and professing an intention to remain there for life. He was agreeably surprised by the growth of the province—a growth owing, as he alleged, "not to unlawful trade or piracy, but to honest labor and sobriety." The increase of Philadelphia was especially remarkable. That city, however, at the time of his arrival, was suffering severely from the yellow fever, a disorder which appeared about the same time in New York and Charleston, and proved very fatal. 1699.

Penn called an Assembly, which readily passed such laws as he desired for the suppression of piracy and illegal trade. From a royal requisition made the next year for £350 toward the defense of New York, they begged to be excused; but £2000 was voted toward the sustentation of the government. The Assembly was ready enough to pass a rigid police law for the regulation and punishment of negro slaves, but Penn was defeated in his philanthropic efforts to secure for those slaves the rights of legal marriage; nor could he succeed in obtaining a law to prevent frauds and abuses in 1700.

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the Indian trade. That evil he partially remedied by the provisions of a treaty presently held with the Onon-
1700. dagas and their tributaries on the Susquehanna.

Penn found, indeed, in his relations with his colonists, whether as landlord or sovereign, very little to invite his stay. They higgled with him as to the amount of land included in their respective surveys; and a resurvey at his expense, as it disappointed the expectations and resulted to the disadvantage of the tenants, became itself an object of complaint. The more recent tenants demanded all the privileges which, by special contract, had been secured to the first settlers. It was even wished to extinguish the quit-rents altogether—a measure in itself desirable, but one to which Penn would by no means agree.

In settling the new frame of government, the Delaware counties demanded, as the price of union, security for a perpetual equality of power; but to this the province would not consent. Surrounded by difficulties, Penn
1701. took advantage of the introduction into Parliament of a bill for abrogating all the colonial charters, to announce his intended return to England, and to press upon his colonists a settlement of the Constitution. The old frame of government, obsolete for many years, was now formally surrendered. In the new one granted instead, it was found necessary to include a provision, allowing the Delaware counties the option of a separate administration. The "Charter of Privileges," as the new frame was called, henceforth, so long as the proprietary government lasted, the fundamental law of Pennsylvania and Delaware, vested the power of legislation in the governor and an Assembly, to be annually chosen, to sit on its own adjournments, to have the power of proposing bills, and "all the other powers and privileges of an As-

sembly, according to the rights of the free-born subjects of England, and as is usual in any of the king's plantations in America." Thus came to an end Penn's special scheme of legislation, by a council to propose and an Assembly to ratify—a scheme, indeed, which had failed from the beginning, and which always has failed wherever tried. No mention was made in the Charter of Privileges either of the council or of the judiciary, omissions which afterward gave occasion to violent disputes. Sheriffs and coroners were to be appointed by the governor out of a double nomination to be made by the counties. Liberty of conscience was specially secured, as in the former frame. The qualification of voters, as presently fixed by an act of the Assembly, was a freehold of fifty acres, or £50, about $166, in personal property.

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1701.

A new charter was also given to the city of Philadelphia. After the model of so many English cities, it vested the government in a close corporation, the first members of which were appointed by Penn, with a perpetual power in themselves to fill all vacancies.

On his departure from the province, which he was not destined to visit again, Penn left the management of his private estates to James Logan, for many years, as colonial secretary and member of the council, the zealous but judicious advocate of proprietary rights against the encroaching spirit of the colonists. Logan also had the entire management of Indian affairs, in which he scrupulously followed the peaceful policy of Penn.

The proprietary governments of the two Jerseys, resumed after the downfall of James II., had presented only a succession of troubles and confusion. The proprietaries differed among themselves, and their subjects were by no means very prompt to obey. Andrew Hamilton 1692.
was appointed governor of West Jersey, and acknowl-

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edged as such; but, from the influx of a miscellaneous population, an opposition soon arose to the Quaker gov-

1700. ernment. In East Jersey there was not a little jealousy between Scotch and English. The claim of New York to be the sole port of entry, a claim which enabled the Assembly of that province to levy a duty on East Jersey exports, was even countenanced by the Board of Trade. It was only by a law-suit, and a trial in Westminster Hall, that East Jersey obtained a separate custom-house. But this very trial disclosed defects in the proprietary title, of which the inhabitants availed themselves to set the government at defiance. With little thought of ultimate consequences, they petitioned earnestly for the abrogation of the proprietary authority, which they seem to have regarded in no other light than as a contrivance for extorting quit-rents.

1696. Having given up the government of Maryland to Nathaniel Blackstone, Nicholson soon obtained a new appointment to Virginia. Governor Andros and Commissary Blair could not agree. The governor twice suspended Blair from the council; but his interest in England proved the more powerful, and Andros was removed. The

1698. accession of the busy Nicholson was signalized by an act

Dec. to build a new city, to supply the place of the ruined Jamestown, and to erect there a "Capitol" for the convenient sitting and holding of the general assemblies and courts. The college had been already erected at Middle Plantation, and as that place had "been found by constant experience to be healthy and agreeable to the constitutions of the inhabitants of this his majesty's colony and dominion, having the natural advantage of a serene and temperate air, dry and champaign land, and plentifully stored with wholesome springs, and the convenien-

cy of two navigable and pleasant creeks that run out of

James and York Rivers, adapted for the supplying the place with provisions and other things of necessity;" it was therefore enacted that two hundred and twenty acres be taken by the colony, and laid out in half-acre lots, for a town to be called *Williamsburg;* the lots to be sold at fifty per cent. advance on the cost, with a condition for the speedy erection of houses thereon, according to a certain specified plan. The new city, as an evidence of the loyalty of the colony, was laid out in the form of a W. For the erection of the "Capitol," the tax on liquor was continued, and a new tax was imposed—the first of the kind to be met with in the Virginia statute-book —of fifteen shillings per head on all servants imported, "not born in England or Wales," and twenty shillings on "every negro or other slave," to be paid by the importer or importers. Provision was also made at the same session for a new and thorough revisal of the colonial statutes. CHAPTER XXI. 1698.

Another statute, the commencement of religious toleration in Virginia—not a spontaneous concession on the part of the Virginians, but in obedience to orders from England—extended to Dissenters the benefit of the English toleration acts. Due care, however, was taken of the interests of religion, by denouncing, in this very act, disqualification for any office, disability to sue or to prosecute in any court, or to act as executor or guardian, and imprisonment for three years, as the penalties for denying the being of a God, or the Holy Trinity, or asserting that there are more gods than one, or denying the truth of the Christian religion, or the divine authority of the Old and New Testaments. By the same act—the third on the subject since the accession of William—cursing, swearing, and drunkenness were subjected to a penalty of five shillings or ten lashes; and non-attendance upon church once in two months, except for reasonable cause,

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to a penalty of five shillings, provided, however (this was the concession to the Dissenters), that persons qualified according to the tenor of the English toleration acts, and attending as often as once in two months at some duly licensed dissenting chapel, should be discharged from this penalty. The want of a similar provision in favor of Dissenters caused the rejection of a third act for legalizing the Maryland church establishment, obtained by Blackstone, the successor of Nicholson.

1698.

1700.

Philip Ludwell, who had carried to England the complaints of his fellow-colonists of Virginia against Effingham shortly after the accession of William III., had been appointed by the proprietaries of Carolina to the government of their northern province, left vacant by the expulsion of Sothel. That usurper having been at last compelled, by threats of legal proceedings, to retire from the southern province, that too was placed under Ludwell's authority. But the new governor found himself quite unable to reconcile the conflicting wishes of the colonists and the proprietaries. Charleston was a favorite resort of pirates; and an attempt by Ludwell to bring a crew of them to justice was very unpopular, and proved unsuccessful. Among the laws enacted in Sothel's time, the whole of which were rejected in mass by the proprietaries as destitute of proper legal sanctions, was one enfranchising the Huguenots. But the increasing number of these foreigners seems to have excited jealousy; and now that the proprietaries wished a similar law to be passed, the colonists refused. Ludwell, having retired in disgust, was succeeded in Albemarle by Thomas Harvey, and in the southern province by Thomas Smith, a resident in the colony and member of the council. At the same time, to conciliate the colonists, and to get rid of the dispute which had arisen as to the binding force of the "Grand

1690.

1691.

1693.

Model," the proprietors voted that, "as the people have declared they would rather be governed by the powers granted by the charter, without regard to the fundamental constitutions, it will be for their quiet, and the protection of the well-disposed, to grant their request." This abrogation of the labors of Locke removed one bone of contention; but as the "Grand Model" had never been actually carried into effect, the government went on much as before. Each of the proprietaries continued to have his special delegate in the colony, or rather two delegates, one for South Carolina, the other for Albemarle, the eight together constituting the council in either province, over which the governor presided as delegate of the palatine, to whom his appointment belonged. CHAPTER XXI. 1693

As Smith, during Colleton's time, had favored the proclamation of martial law, he found his estimable private character no counterbalance to his unpopular politics. He advised the proprietaries, as the best means of restoring harmony and order, and giving respectability to the office of governor, to send out in that capacity one of their own number. This trust was accordingly offered to the young Earl of Shaftesbury, Locke's pupil, author of the "Characteristics." When he declined, it was bestowed on John Archdale, a Quaker, who had become a proprietary by purchase.

Archdale gave the Dissenters a majority in the council, which seemed but reasonable, as they constituted a majority of the population. He also remitted certain arrears of quit-rents—a popular act, which cost but little, as it was difficult, if not impossible, to collect them. He strove to reconcile the jarring tempers and interests of Churchmen and Dissenters, proprietaries and colonists, and not without success. Notwithstanding his Quaker principles, he procured the enactment of a militia law, 1695.

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with power to himself, however, to excuse such as he should judge to have scruples of conscience on the sub-

1695. ject.

The first intercolonial war did not touch Carolina. The colonists had all along regarded their neighbors of Florida with great suspicion; but Spain and England were now allies, and Archdale opened a friendly communication with the authorities of St. Augustine, by ransoming from the Yamassees and sending back four Catholic Indian prisoners, an act of humanity soon after reciprocated by the Spanish governor in the ransom of some shipwrecked English mariners.

The Indians about Cape Fear were exposed to constant inroads from the neighboring tribes, who sold their prisoners to the colonists as slaves. Archdale promised to put a stop to these kidnapping expeditions; and the Cape Fear Indians agreed, in their turn, no longer to plunder the vessels shipwrecked on their coast.

Having thus set things in order, and being empowered

1696. to appoint his successor, Archdale selected Joseph Blake, whose father, a brother of the famous admiral, had led, twenty years before, a colony of Dissenters to Carolina. The new governor, who presently became a proprietary, was also a Dissenter. That interest was strengthened by a party of emigrants from Massachusetts, who es-

1698. tablished a settlement twenty miles back of Charleston, called Dorchester, from the town whence they came. A Congregational Church was also gathered in Charleston by John Cotton, son of the "famous Cotton," assistant editor of the second edition of Eliot's Indian Bible, who migrated thither after a thirty years' settlement at Plymouth. He died shortly after his arrival, but the church survived him, and still exists. To satisfy the Churchmen, Blake consented to an act of the Assembly, endow-

ing the Episcopal Church at Charleston with a parson- CHAPTER XXI.
age and an annual stipend. He also procured an act en-
franchising the Huguenots. Carolina at length seemed 1698.
to enjoy some internal peace.

A bag of seed rice, accidentally brought to Charleston by a vessel from Madagascar, had been distributed among the planters. Cultivated at first more for curiosity than use, it gradually attracted attention, and was now beginning to be looked to as a valuable staple.

North Carolina, under Harvey and his successors, Henderson Walker and Robert Daniel, extended itself 1694.
in quiet. A pestilential fever had recently thinned the 1699
Indians on the banks of the Pamlico, and some settlements began now to be established there, presently included in a new county called *Bath*.

In the latter years of William III. the annual exports of the colonies to England amounted to about £320,000, $1,500,000. The imports were nearly the same. The traffic with Europe, the West Indies, the Canaries, and the Azores, partly illicit, was estimated at about an equal amount. The "plantation duties" collected in the colonies were sufficient to pay the expense of the custom-house establishment, and to leave a net surplus of four or five thousand dollars.

Schemes continued to be indulged in America for the promotion of domestic manufactures; but these schemes, and the colonial acts of Assembly for promoting them, were regarded in England with great jealousy. Woolen cloths, at that time, were the chief English product for exportation. An act of Parliament, designed to favor the English manufacturer and to cramp this business in the
colonies, prohibited the transport of domestic woolens 1699
from one colony to another, or the export of colonial wool or cloths to any foreign country.

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The trade to Africa, since the Restoration a monopoly in the hands of the Royal African Company, was at
1698. length thrown open to private traders upon the payment to the company of a certain per centage toward the support of their forts and factories on the African coast. Hitherto the transportation of African slaves to America had been on quite a limited scale, but the growing demand in Europe for colonial products soon gave to this detestable traffic a new impulse. In the first recorded
1677. case (Butts *v.* Penny, 2 Lev., 201; 3 Kib., 785) in which the question of property in negroes appears to have come before the English courts, it was held "that, being usually bought and sold among merchants as merchandise, and *also being infidels*, there might be a property in them sufficient to maintain trover." This doctrine, however, as to property in negroes, under the chief justiceship of the celebrated Holt, was repeatedly overruled. Yet, in spite of Holt's declarations from his seat in the
1697. Court of King's Bench, that "as soon as a negro comes into England he is free" (Smith *v.* Browne and Cooper,
1702. Salk., 666; Holt, 495); that "there is no such thing as a slave by the law of England" (Smith *v.* Gould,
1704. Salk., 665; 2 Lord Ray, 1274); that "men may be the owners, and therefore can not be the subject of property" (Ib.), the African slave trade was sustained by the public sentiment of the mother country as well as of the colonies, and though never expressly legalized, was yet countenanced and cherished by Parliament as a lucrative traffic.

The zeal, already noticed, of William's colonial governors on behalf of the Church of England, originated quite as much in political as in religious motives. Community of religion, it was thought, would be a security for political obedience. The system of the Church of

England was esteemed monarchical, while Presbyterian- CHAPTER XXI.
ism, and especially Quakerism and Independency, were
deemed republican in their character. In the establish- 1701.
ment of the "Society for Propagating the Gospel in Foreign Parts," incorporated by act of Parliament, and still in existence, these worldly considerations were not without influence. The conversion of the Indians was the nominal object of this society, but its efforts were chiefly exerted for extending and strengthening the Church of England in America—an object regarded, however, with no little jealousy in all the colonies, Virginia alone excepted, where the Dissenters were few and without influence. One of the first missionaries employed by this
society was Keith, the converted Quaker, who traveled, 1702.
preached, and disputed from one end of the colonies to the other.

Irritated by continued opposition, the Board of Trade
complained to the king that the chartered colonies "had
not in general complied with the late act of Parliament;" 1701.
that "they not only assumed the power of making by-laws repugnant to the laws of England and destructive to trade, but refused to transmit their acts or to allow appeals, and continued to be the retreats of pirates and illegal traders, and the receptacle of contraband merchandise." They were also charged with interfering with English commerce by lowering the value of coins, and, "contrary to the true intent of such establishments," encouraging "woolen and other manufactures proper for England." As the most effectual means of curing these irregularities, and cutting short the "independency" to which the chartered colonies pretended, the resumption of the charters was suggested, and the introduction of "such an administration of government as shall make them duly subservient to England."

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To substantiate these charges, a great mass of papers was laid before Parliament, and a bill for the abrogation
1701. of the colonial charters was brought into the House of Lords. This was the bill which Penn hastened back to England to oppose. It was opposed also by Sir Henry Ashurst on behalf of Connecticut, and that colony was heard by counsel against it. This opposition, with a press of other business, occasioned the bill to be dropped. Yet it was not without its results. Penn presently entered into a treaty for the surrender of his sovereignty. The proprietors of the Jerseys, wearied out by a vain
1702. struggle with the settlers, ceded to the crown those rights of jurisdiction, which they now discovered "to have long been a very expensive feather." The companies retained, however, their property in the soil, their quit-rents, so obnoxious to the settlers; and their organization long existed, together with the ownership of some unsold tracts of barren soil—a feeble, last surviving remnant of those chartered companies by which the whole territory of the United States was originally claimed.

It may be doubted how far the inhabitants of New Jersey had any reason to congratulate themselves on the change. The government, as well as that of New York, was given to Edward Hyde, by courtesy Lord Cornbury, eldest son of the Earl of Clarendon, glad to find, in these American governments, a refuge from his English creditors. Under the system established by the crown, as set forth in Cornbury's instructions, digested into upward of a hundred articles, and serving as a sort of constitution for the province, the political privileges guaranteed by the proprietary concessions were a good deal curtailed. The council for the reunited province was composed of twelve counselors, appointed by the crown from a list of names supplied by the governor,

and liable to be suspended at his pleasure; but the rea- CHAPTER XXI.
sons of this suspension must be transmitted to England. _____

These counselors were to be men of "good lives and 1702.
well affected," "of good estates and ability," and "not necessitous people or much in debt." The Lower House of Assembly consisted of twenty-four delegates, equally divided between East and West Jersey, required to possess a freehold of a thousand acres, and chosen for an indefinite period. A bill for triennial Parliaments had lately passed in England, but William expressly refused to limit the term of the New Jersey Assembly to three years. The right of suffrage was restricted to freeholders, or those possessed of personal property to the value of £50, $166, the same qualification adopted in Pennsylvania.

Liberty of conscience was secured to all "except papists," and to Quakers the capacity to hold office, with the substitute of affirmations for oaths. But the governor was to take care that "God Almighty be devoutly and duly served," "the book of Common Prayer read each Sunday and holy-day, and the blessed sacrament administered according to the rites of the Church of England." The churches already built were to be maintained; more were to be built; and, besides a "competent maintenance," a glebe and parsonage were to be provided for each "orthodox" minister. No minister was to be preferred to a benefice without a certificate from the Bishop of London of his good life, and conformity "to the doctrine and discipline of the Church of England." But the intention exhibited in these instructions to force the Church of England on the province was defeated by the Assembly's steady refusal of grants for any such purpose. No printing press, nor the printing of any book or pamphlet, was to be allowed without

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the governor's "special license"—a clause contained at this time, and for years afterward, in the instructions to all the royal governors. The judicial power, under an ordinance of the governor and council, based on these instructions, was vested, in cases under the value of forty shillings, $6 66, in justices of the peace; in county courts of Common Pleas for civil cases; in General Sessions of the peace, composed of all the justices in each county, for criminal cases; and in a Supreme Court of three judges, with an appeal to the governor and council, and thence to the Privy Council in England—substantially the same system in force in all the Anglo-American colonies. The governor and council also acted as a Court of Chancery; but that power was presently claimed by the governor alone, to whom belonged also the probate of wills and the granting of marriage licenses.

1702.

The first chief justice of New Jersey was Roger Mompesson, an English lawyer, who "stepped abroad to ease his fortune of some of his father's debts," and who, besides his office of chief justice of New Jersey, was judge of the Admiralty for New York, New Jersey, and Pennsylvania, attorney general and presently chief justice of Pennsylvania, and also chief justice of New York. Penn recommended him as "an able lawyer, a good-tempered, honest, sober gentleman." Yet he proved a mere tool in Cornbury's hands.

Cornbury hoped to increase his emoluments by obtaining, also, Bellamont's late commissions for Massachusetts and New Hampshire; but he found a competitor in Dudley. That persevering office-seeker had recommended himself to the English Dissenting interest by his pious deportment, and to the court by his vote in Parliament, in which body he had obtained a seat. He overcame King William's scruples about his unpopulari-

ty by an address in his favor from the chief merchants trading to New England, signed also by some Massachusetts men then in London. He even had the art to procure a recommendatory letter from Cotton Mather; and, much to the dissatisfaction of the people of the province, he succeeded, by these means, in securing an appointment long the object of his ardent ambition. CHAPTER XXI. 1702.

It was by Cornbury that the granting of unoccupied lands was pushed to the most abusive extent. Any definite statement of quantity was avoided in these grants, made without any survey, the boundaries, for the most part, very vaguely stated, and often in direct conflict in different patents, under several of which upward of fifty thousand acres were claimed, and under one or two, it was said, a million or more. Even a small quit-rent per acre or hundred acres would have made such enormous grants a heavy burden, and generally the rent reserved to the crown was but nominal.

After Cornbury's removal from office, the increase of this evil was partially stopped by instructions to the governors to grant no lands except upon previous surveys, and the reservation of a quit-rent of two shillings and sixpence on each hundred acres; nor, by a subsequent instruction, was any single grant to exceed a thousand acres. But already the foundation was laid of a landed aristocracy, while, at the same time, not only was settlement retarded, but the actual cultivation fell into the hands of an inferior class; since persons of the better sort born in America did not choose to assume the position of vassals or tenants, and still less so the better kind of immigrants from Europe, who had often left their homes for the very sake of avoiding dependence on landlords, and of getting possession of lands and transmitting them in fee.

CHAPTER XXII.

SETTLEMENT OF LOUISIANA. REIGN OF QUEEN ANNE. SECOND INTERCOLONIAL WAR. PIRACY SUPPRESSED.

CHAPTER XXII.

VERY shortly after the peace of Ryswick, the French renewed their attempts, interrupted and postponed by the
1698. late war, to plant a colony at the mouth of the Mississippi, to which they were the more invited by the growing prosperity of their settlements on the west end of St. Domingo. The Canadian, D'Ibberville, lately distinguished, as we have seen, by his exploits on the shores of Hudson Bay and Newfoundland, and by the capture of Pemaquid, was selected as the leader of the new colony. He was born at Quebec, one of seven sons, all men of ability and merit, and all engaged in the king's service. Sauvolle and Bienville, two of his brothers, were joined with him in this enterprise; and with two hundred colonists, mostly disbanded Canadian soldiers, two frigates, and two tenders, he sailed to find and plant the mouth of the Mississippi, which never yet had been entered from the sea.

Having touched and recruited at St. Domingo, D'Ib-
1699. berville proceeded on his voyage; but, on reaching the
Jan. Bay of Pensacola, he found his entrance prohibited by a
1696. fort erected there by Spanish soldiers from Vera Cruz, under the guns of which two Spanish ships lay at anchor. The Spaniards, who still claimed the whole circuit of the Gulf of Mexico, jealous of the designs of the French, had hastened to occupy this, the best harbor on the gulf; and the barrier thus established ultimately

determined the dividing line between Florida and Loui- CHAPTER XXII.
siana.

Proceeding to the westward, the French frigates came 1699.
to anchor in the deep water near the group of Chandeleur. While the colonists built huts on Ship Island, D'Ibberville explored, on the opposite continent, the Bay of Biloxi and the mouth of the Pascagoula; and presently, with his brother Bienville, forty-eight men, and Athanase, a Franciscan friar, one of La Salle's companions in his voyage down the Mississippi, he proceeded to search for the mouth of that river. Guided by the muddy waters, these explorers presently entered the obscure outlet Feb. 2.
of that mighty stream, up which they ascended as high as Red River, encountering several parties of Indians, from one of which they received Tonti's letter to La Salle, written fourteen years before—a circumstance which assured them they had found the Mississippi.

Turning again down the river, D'Ibberville, with part of his company, presently quitted the main stream, and by the Manshac Pass, an outlet from the left bank, and through the River Amite and the Lakes *Maurepas* and *Pontchartrain*, so named from two of Louis's principal ministers, he made his way back, by a shorter passage, to Ship Island.

As the drowned lands of the Lower Mississippi hardly seemed to invite settlement, the flat and sandy shores of the shallow Bay of Biloxi were selected as the site for the incipient colony. There, within the limits of the present State of Mississippi, a fort was built and huts May.
erected. The colony thus planted, D'Ibberville returned to France for supplies.

The Spanish court remonstrated against this settlement as an intrusion upon territory which they claimed. But the transfer, shortly after, of the Spanish throne to

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a Bourbon prince, and the family alliance thus established between France and Spain, prevented any very serious opposition.

1699.

It was rather English than Spanish rivalry that the French had to dread. The course and mouth of the Mississippi had become known in Europe through the two narratives of Father Hennepin, in the last of which, just published and dedicated to King William, that Flemish friar set up a claim to have himself anticipated La Salle in descending to the mouth of the river. Memoirs, also, of La Salle's explorations had been lately published at Paris, compiled from imperfect materials by some professional author of that city, and, according to the French usage, ascribed to Tonti, with design to give them greater currency; but that one-armed veteran assured D'Ibberville, in an interview to be presently mentioned, that he was not responsible for the many fables they contained. Coxe, a London physician, already interested in America as a large proprietor of West Jersey, had purchased up the old patent of Carolana, granted to Sir Robert Heath in 1630, and, under that patent, with the countenance of William, had put forward pretensions to the mouth of the Mississippi, which two armed English vessels had been sent to explore.

1697.

Sauvolle, left as governor of the infant colony during D'Ibberville's absence, made treaties with the neighboring bands of Choctaws, while Bienville, the other brother, still prosecuted the work of exploration. Entering the Mississippi through the Pass Manshac, he left it by the opposite Bayou of Plaquemines, which he examined for a considerable distance. Returning again to the river, at a reach some fifty miles from the mouth, he unexpectedly encountered one of Coxe's vessels coming up. But this intruder was easily got rid of. Assured that this was

not the Mississippi, but a dependency of Canada already occupied by the French, the English commander turned about and left the river; and this reach is still known as *English Turn.* CHAPTER XXII. 1699.

These vessels, before proceeding to the Gulf of Mexico, had landed in Carolina a body of French Huguenot emigrants. A French surgeon on board one of the ships proposed to Sauvolle, on behalf of his associates in Carolina, to remove to Louisiana, being desirous to regain their nationality, if they could be guaranteed the freedom of their religion. This offer was transmitted to the mother country, but the reply came back that Louis had not expelled the Huguenots from France in order to make a republic of them in America.

D'Ibberville returned toward the end of the year with two vessels and sixty Canadians. Determined to be beforehand with the English in occupying the river, he undertook a new expedition to find a proper place for a settlement. Since the time of La Salle, missionaries and traders from Canada had descended the Mississippi, and established themselves at various points on its banks. Two of these missionaries had already visited the colony at Biloxi; and while D'Ibberville was employed in building a fort, about fifty miles from the river's mouth, where the bank first begins to rise above the annual inundation, he was joined by the aged Tonti, the old associate of La Salle, who had descended from the Illinois with seven companions. D'Ibberville and Tonti ascended together a distance of some three or four hundred miles; and on the bluff where now stands the city of Natchez, among the Indians of that name, with whom St. Come had lately established himself as a missionary, D'Ibberville marked out a settlement which he named *Rosalie*, in honor of the Duchess of Pontchartrain. But

1700. Jan. Feb.

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the feeble and starving state of the colony caused these posts to be soon abandoned.

1700. May. While D'Ibberville returned to Biloxi, and thence to France, Bienville ascended the Red River as far as Natchitoches. Stragglers explored the country to the west in search of mines; but nothing was to be found save inundated forests and gloomy solitudes. Le Sueur, with twenty men, ascended the Mississippi to the Falls of St. Anthony, and, entering the St. Peter's, reached the foot of that great swell of the prairies which intervenes between that river and the Missouri.

If the swampy banks of the Lower Mississippi presented little inducement to settlers, the barren sands of Biloxi were hardly more inviting. Nor was the character of the emigrants well adapted to overcome these difficulties. For the most part, they were hirelings or mere adventurers, without the impulse of any steady principle. The rejected Huguenots would have made better settlers.

Sauvolle soon fell a victim to the climate, the disorders of which swept off many of the colonists. When D'Ib-

1702. berville came the third time from France, with provisions and soldiers, the inconvenience of Biloxi had become manifest. Most of the settlers were removed to *Mobile*, near the head of the bay of that name; and this first European settlement within the limits of the present state of Alabama now became, and remained for twenty years, the head-quarters of the colony. Some settlers were also established on Dauphin Island, at the entrance of the bay. That island had a good harbor, an advantage which Mobile could not boast.

The soil of all this region was almost as barren as that about Biloxi. The climate was unsuited to European grains. As it seemed almost useless to attempt cultivation, the colonists employed themselves in trade with the

Indians, in fishing or hunting, or in a futile search for pearls and mines. The wool and skins of the buffalo were looked forward to as a future staple. Though recruits repeatedly arrived, the whole number of colonists, at any one time during the next ten years, never exceeded two hundred; and it was only by provisions sent from France and St. Domingo that these few were kept from starving. CHAPTER XXII. 1702.

While a foothold at the southwest was thus sought and feebly gained by the French, they curtailed nothing of their pretensions at the east and north. Villebon, still stationed at the mouth of the St. John's, gave notice to the authorities of Massachusetts, immediately after the peace of Ryswick, that he claimed the whole coast, with an exclusive right of fishing, as far as Pemaquid. 1698.

The mission among the Penobscots was still kept up. The Norridgewocks, or Canabas, as the French called them, built a church at their principal village on the Upper Kennebec, and received as a resident missionary the Jesuit Sebastian Rasles, an able and accomplished priest, who kept that tribe, for the next quarter of a century, warmly attached to the French. In the treaty of Ryswick, the English had made no provision for their allies, the Five Nations. In making arrangements with the governor of Canada for exchange of prisoners, Bellamont had endeavored to obtain an acknowledgment of English supremacy over those tribes, and the employment of English agency in negotiating a peace. But Callières, who became governor general after Frontenac's death, sent messengers of his own to the Iroquois villages, with the alternative of peace or an exterminating war, against which the English could now afford them no assistance. Their jealousy was also excited by a claim of Bellamont to build forts in their territory; and 1699.

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1701. Aug.

they were presently induced to send commissioners to Montreal, where a grand assembly of all the French allies was collected, and, with many formalities, a lasting treaty was at length concluded. But of the Frenchmen prisoners among the Iroquois, quite a number refused to return to the restraints of civilized life.

Free passage to the west thus secured, a hundred settlers, with a missionary leader, were sent to take possession of the beautiful strait between Lakes Erie and St. Clair. A fort was built; several Indian villages found protection in its neighborhood; and *Detroit* soon became the favorite settlement of Western Canada. About the missionary stations at *Kaskaskia* and *Cahokia*, on the east bank of the Mississippi, between the mouths of the Ohio and the Illinois, villages presently grew up; and if the zeal of the missionaries cooled by degrees, and the idea of a Jesuit theocracy gradually faded away, that of a great French American empire began gradually to spring up in its place.

These territorial pretensions of the French occasioned no little alarm and anxiety in Massachusetts and New York. Eliot had left no successors in New England, where the missionary spirit was pretty much extinct. An attempt, indeed, had been made in New York to supply the religious wants of the Mohawks, and so to prevent their alliance with the French, by the appointment of Dellius, of the Reformed Dutch Church, as a missionary for that tribe. "But his proselytes," says Charlevoix, "were very few, and he did not seem very anxious to augment them." "This, indeed," he adds, "was not the first essay of the sort, which ought to convince Messieurs the Reformed that their sect lacks that fecundity, that constant and laborious zeal for the salvation of unbelievers, the most obvious and distin-

.guishing mark of the true church of Christ. It is in vain they oppose to this so many calumnies, invented by themselves, to obscure the apostleship of our missionaries. Without wishing to apologize for individual failings, of which, doubtless, there have been instances, one must, however, be willfully blind not to see that the far greater number lead a life truly apostolic, and that they have established churches very numerous and fervent—a thing of which no sect not of the Romish communion can boast." Abhorrence of these Catholic missionaries was sufficiently evinced by acts passed in Massachusetts and New York, which remained in force down to the period of the Revolution, and under which any Jesuit or popish priest coming within their territories was to be "deemed and accounted an incendiary and disturber of the public peace and safety, and an enemy of the true Christian religion," to suffer perpetual imprisonment, or death if an escape were attempted. Any person who should knowingly "receive, harbor, conceal, aid, succor, or relieve" any such popish priest, besides forfeiting £200, was to be three times set in the pillory, and obliged to give securities for good behavior.

CHAPTER XXII. 1701.

Violent as colonial antipathies were, the renewal of the war in America was occasioned by a purely European quarrel—that struggle for the fragments of the Spanish empire which followed the death of Charles II. without male heirs. Through the intrigues and bad faith of Louis XIV., an offshoot of the Bourbon family occupied the Spanish throne; and to him, in spite of English and Austrian interference, the Spanish people and the Spanish colonies adhered. In this war, therefore, the English colonists had for enemies not alone the French in Canada and Acadie, but the Spaniards of Florida also. The victories of Marlborough and Peterborough, the ex-

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ploits of Prince Eugene of Savoy, might serve in Europe to gild the horrors of this bloody struggle. In
1701. America it offers but a spectacle of mere miseries.

The Spanish settlements about St. Augustine remained still very inconsiderable. Pensacola, as we have seen, had but lately been occupied. In what is now known as Middle Florida, that district which communicates with the Gulf by the port of St. Mark's, Spanish missionaries had introduced the rudiments of civilization; and the Appalachees had become, under their instruction and discipline, herdsmen and farmers.

Between the country of the Appalachees and the English settlements in South Carolina roamed the powerful confederacy of the Muscogees, or Creeks, who occupied a great tract of territory southwest of the Savannah and south of the Alleganies, including the whole of the present state of Georgia and the greater part of Alabama. This confederacy, divided into the Upper and the Lower Creeks, could muster five or six thousand fighting men.

The southwestern portion of the Allegany chain was occupied by the not less numerous confederacy of the Cherokees, ancient inhabitants of those beautiful valleys watered by the tributaries of the Upper Tennessee, but claiming also as their hunting grounds the whole region as far north as the Kenhawa and the Ohio.

Between the Cherokees and the English settlements of the two Carolinas were the Yamassees along the north bank of the Savannah, the Catawbas on the river of that name, and the Tuscaroras on the Neuse, said to be the remnants of the Mannakins and Mannahoacs of Virginia

James Moore, an old resident of South Carolina, "a needy, forward, ambitious man," appointed by the coun-
1700. cil as Blake's successor, and confirmed as governor by the palatine, undertook to enrich himself by kidnapping

Indians to sell as slaves, and by engrossing the Indian traffic. In this latter project he encountered the opposition of Nicholas Trott, a man not unlike himself, a leader in the Assembly. Trott, however, was gained over by an appointment as attorney general, and a new and more subservient Assembly was presently elected. No sooner was the commencement of hostilities known in Carolina, than the hope of Spanish plunder and Indian captives stimulated Moore to an expedition against St. Augustine. Six hundred colonists volunteered for the enterprise, and Moore sailed with a part of them from Port Royal in vessels pressed for the service. Robert Daniel, with the remainder and six hundred Indians, marched by land. The town of St. Augustine was easily taken; but the soldiers retired into the fort, a well-built and formidable fortress, and the besiegers found themselves obliged to wait the return of a sloop sent to Jamaica to procure heavy artillery.

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1701.

1702.

Sept.

Meanwhile an Indian runner communicated information of the siege to the French at Mobile, now the allies of the Spaniards. Word was sent from Mobile to Havana, and two Spanish ships of war from that port presently appeared off St. Augustine; upon sight of which, Moore hastily abandoned his vessels and stores, and retreated by land.

To meet the expenses of this unsuccessful expedition, South Carolina issued her first bills of credit, amounting to £6000, to be paid off in three years by a tax on liquors and peltry. Double rates were imposed on traders not permanent residents—a discrimination loudly complained of by the English merchants.

The old antipathy in South Carolina between Churchmen and Dissenters was not yet extinguished. Lord Granville, the palatine, a stiff High Churchman, pres-

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ently gave the appointment as governor to Sir Nathaniel Johnson, an immigrant from the West Indies, governor
1703. under James II. of the Leeward Islands, as good a Churchman as Granville himself. He was, in fact, a non-juror, and it was not without difficulty that his appointment was confirmed by the queen. The Churchmen, though not a third part of the inhabitants, happened to have a majority of one in the Assembly; and through the management of Trott, promoted to be chief justice, and of Moore, who now held the office of receiver
1704. general, an act was passed requiring all members of As-
May. sembly to take the sacrament according to the rites of the Church of England; or, if they thought themselves unqualified for that solemnity, to subscribe a declaration of their adhesion to that Church. In spite of the remonstrances of the Dissenters, and the opposition of Archdale, this act was eagerly approved by the proprieta-
1705. ries. Another act, designed to prepare the way for the charitable co-operation of the Society for Propagating the Gospel, divided the province into parishes, and gave a legal establishment to the Church of England. A board of twenty lay commissioners was also created, with power of presentation and removal, and Episcopal authority to supervise the morals both of clergy and laity; an institution which the Bishop of London complained of as a sacrilegious intrusion on his episcopal rights, while the Dissenters denounced it as another Star Chamber.

Dec. In the midst of the agitation thus produced, perhaps to divert the public attention, a new expedition was undertaken against Florida. At the head of fifty white volunteers and about a thousand Creek Indians, Moore marched through the woods, and, without any warning, fell upon the Spanish-Indian settlements of the Appa

Iachees. The Spanish fort was too strong to be taken, but the Indian villages were plundered, and the churches robbed and burned. Two thousand of these Indians were removed and settled on the banks of the Altamaha. Their country, given up to the Indian allies, was occupied by the Seminoles, or Lower Creeks. When the Seminoles were themselves expelled about a century and a quarter afterward, many traces were discovered of the ancient Spanish missionary villages, the whole, however, grown over with forests. 1705.

The next year, Charleston, suffering at the time from a malignant fever, was attacked by a French frigate and four Spanish sloops. Though Johnson was not able to muster more than nine hundred men, the assailants met a warm reception. The French ship was taken, and of eight hundred French troops landed, near half were killed or made prisoners. This attack occasioned a new issue of paper money, to the amount of £8000, funded on the same taxes as before, and circulated, like the former issue, at a great depreciation. 1706. Aug.

D'Ibberville, the founder of the Louisiana colony, sailed from France with a considerable fleet, and, after levying contributions on St. Kitt's and Nevis, proceeded to St. Domingo, to take troops on board for a new attack on Charleston. But he died there of the yellow fever, and the expedition was abandoned. 1707.

The Dissenters, repulsed by the proprietaries, had found an advocate in Lord Somers, who brought their case before the House of Peers. The proprietaries were heard by counsel; but the peers resolved that the acts complained of were unwarranted by the charter, unreasonable, and illegal; and the queen, on their address, though she had no negative by the terms of the charter, yet, by advice of the crown lawyers, proclaimed the ob-

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noxious laws void, and directed steps to be taken for the forfeiture of the proprietary rights.

1707. Notwithstanding this triumph, the Dissenters lost that religious equality which they had hitherto enjoyed. A new act of Assembly, while it guaranteed toleration, established the Church of England as the religion of the province, to be supported at the public expense; the appointment of ministers to be by the commissary of the Bishop of London, who thus regained his episcopal jurisdiction. Most of the first ministers were missionaries partially supported by the Society for Propagating the Gospel. "Many various opinions" had been spread in the colony, "by a multitude of teachers and expounders of all sorts and persuasions," so one of the church missionaries reported. But the Churchmen maintained the superiority they had assumed, and the Dissenters, by degrees, were mostly absorbed into the Church, which remained a legal establishment till the period of the Revolution.

The cultivation of rice had already become so con
1704. siderable, that a recent act of Parliament had placed it in the list of "enumerated articles."

1710. On the death of Edward Tinte, sent out with instructions to reconcile the minds of the inhabitants to each other, so as to extinguish the name of party, but who fell a victim to the climate shortly after his arrival, a violent dispute arose as to the temporary successorship between Gibbs and Broughton, both proprietary deputies, and both claiming the vote of the only other deputy in the province, who died suddenly after voting first for one, and then, through bribery, as it was alleged, for the other. Gibbs succeeded in holding on to the office, but he was soon superseded by Charles Craven, late secretary of the province, and brother of Lord Craven, the palatine.

The population of North Carolina was nearly equal to that of the southern province. Tobacco, the principal staple, was produced in considerable quantity. But there was no direct intercourse with the mother country, the commerce of this district being still monopolized by trading vessels from New England. Deer skins, hides, tallow, corn, and other agricultural produce, at prices fixed from time to time by the Assembly, constituted the currency in which debts and quit-rents were paid; and it was by assignments of portions of these quit-rents that the proprietaries met the salaries of their officers. It seems to have been the custom, after the time of Archdale, that the governor of South Carolina should give to the governor of the northern province a commission as deputy. Thomas Cary received such a commission from Sir Nathaniel Johnson. But in other respects, the two divisions of the province remained as distinct as ever, each with its separate council and Assembly. A strong effort was made by the proprietaries to obtain for the Church of England a legal establishment. In the northern as well as in the southern province, money was voted for building churches and paying ministers; but this scheme encountered great reluctance and delay, the Quakers and other Dissenters being very unwilling to submit to it.

1710.

1703.

Virginia still maintained its reputation as the most quiet and manageable of all the English colonies in America. The increasing consumption of tobacco furnished a steady demand for that staple, and political disturbances were no longer stimulated by pecuniary distress. The Virginians began already to put on some airs of importance. The large income derived by the mother country from the duties on tobacco made them consider their province of greater consequence to the

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crown than all the others put together. Hence they were led to "a nice inquiry into the circumstances of the government;" and, finding that others enjoyed greater privileges, they began to grow uneasy, and to imbibe somewhat "the malignant humor of the charter colonies." But the tendency in Virginia was not so much to democracy as to aristocracy, or rather to oligarchy. According to Quarry, Randolph's successor as surveyor general of the colonial customs, from whom the foregoing statement is derived, there were at this time, on each of the four great rivers, "men in number from ten to thirty, who by trade and industry have got very competent estates. These gentlemen take care to supply the poorer sort with goods and necessaries, and are sure to keep them always in their debt, and, consequently, dependent on them. Out of this number are chosen the council, Assembly, justices, and other officers of government." The justices, besides their judicial functions, managed the business and finances of their respective counties. Parish affairs were in the hands of self-perpetuating vestries, which kept even the ministers in check by avoiding induction, and hiring them only from year to year. The twelve counselors possessed extensive authority; their assent was necessary to all the governor's official acts; they constituted one branch of the Assembly; they exercised the principal judicial authority as judges of the General Court; they were at the head of the militia as lieutenants of the counties; they acted as collectors of the export duty on tobacco and the other provincial imposts, and generally, also, of the Parliamentary duties, while they farmed the king's quit-rents at a very favorable bargain. A majority of these counselors, united together by a sort of family compact, aspired to engross the entire management of the

province. Already Andros had been made to feel the power of this combination; and by the same interest, also, the removal of Nicholson was presently obtained. His conduct, indeed, pronounced even by the indulgent Chalmers "imprudent, if not corrupt," afforded his opponents but too great an advantage. CHAPTER XXII. 1705.

A policy was now adopted by the ministers of Anne, similar to the gift of Virginia to Arlington and Culpepper by Charles II. The office of governor, bestowed as a sinecure, was held for sixty-three years, first by the Earl of Orkney, then by Lords Albemarle and Loudoun, and finally by General Amherst, the duties being discharged by a deputy, who received for his services two fifths of the salary, the other £1200 going to the titular governor.

The first of these deputies was Edward Nott, under whose administration was completed and sanctioned by the Assembly a fifth revision of the Virginia code, in progress for the last five years by a committee of the council and burgesses. This code provided that "all servants imported or brought into this country by sea or land, *who were not Christians in their native country* (except Turks and Moors in amity with her majesty, and others who can make due proof of their being free in England or any other Christian country before they were shipped in order to transportation thither), shall be accounted, and be slaves, notwithstanding a conversion to Christianity afterward," or though they may have been in England; "all children to be bond or free, according to the condition of their mothers." Such, after various changes, was the final enactment in Virginia, under which, to this day, so large a part of the population is held in servitude. The original idea that no Christian could be reduced to slavery is still apparent in

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this act; for, in the case of imported servants, the question of freedom or slavery is made to depend, not upon color or race, but religion. Notwithstanding the sweeping clauses of the above-cited provision, it has been held, as has been already mentioned, not to extend to the descendants of Indians brought as slaves into Virginia since 1691.

Negroes, mulattoes, and Indians are incapacitated to own or to purchase Christian servants, to hold office in the colony, or to be witnesses in any case whatsoever. The child of an Indian—the child, grandchild, or great-grandchild of a negro, are to be esteemed mulattoes.

By a humane provision of this code, slaves are made real estate, and thus, as it were, attached to the soil. Nor can it be said that the sole object was to shield them from seizure for debt—they remained liable to that as before. They were also to descend like personal property, but provision was made by which the heir of the plantation could buy out the inherited interest of others in the slaves. Such continued to be the law so long as Virginia remained a British colony.

Servants "sold for the custom," that is, having no indentures, if over nineteen years of age, are to serve five years; if under nineteen, till twenty-four—their ages to be adjudged by the county court. Masters are to provide "wholesome and competent diet, clothing, and lodging, by the discretion of the county court;" nor shall they at any time give immoderate correction, nor "whip a Christian white servant naked," without an order from a justice of the peace, under penalty of forty shillings to the servant, to be recovered, with costs, on complaint to a justice of the peace, "without the formal process of an action." Justices are bound to receive and investigate the complaints of all servants "not

being slaves." Any resistance or offer of violence on the part of a servant is punishable by an additional year's servitude. Servants are guaranteed the possession of such property as may lawfully come to them by gift or otherwise, but no person may deal with them except by permission of their masters. In case of fines inflicted by penal laws, unless some one would pay the fines for them, servants are to be punished by whipping, at the rate of twenty lashes for every five hundred pounds of tobacco, or fifty shillings sterling—each stroke being thus estimated at about sixty cents. Women servants having bastards are to forfeit to their masters an additional year's service, unless the master were the father, in which case the forfeiture accrues to the church-wardens. In case the father were a negro or mulatto, other penalties are added, as by a law formerly mentioned. The provisions for the arrest of runaways, which are sufficiently stringent, apply equally to slaves and servants, except that outlying slaves might be killed, and irreclaimable runaways "dismembered." If these restrictions on the power of masters were found useful and necessary in the case of white servants, why might they not now be beneficially applied to the case of negro slaves?

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Every male servant at his dismissal, his time of service being complete, was entitled to ten bushels of Indian corn, thirty shillings in money or the value in goods, and "one well-fixed musket or fusee, of the value of twenty shillings at the least." Every woman servant, on her discharge, was entitled to fifteen bushels of Indian corn, and forty shillings, or the value in goods.

The Indians east of the Blue Ridge, of whom only a few scattered bands remained, were no longer objects of fear, and this code contains many humane provisions for their security and protection. The Indian trade, as has

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been mentioned, was open to all—except in rum or brandy, the sale of which was prohibited in the Indian towns—but exclusive privileges are promised to the discoverers of new tribes west of the mountains, a region still unexplored and unknown.

Each county, by this code, is to have two burgesses, and Jamestown one, to be elected by the freeholders (women, infants, and popish recusants convict excepted). All persons duly qualified are liable to a penalty of two hundred pounds of tobacco for omitting to vote. Elections are to be determined "upon view," unless a poll is demanded, in which case the vote is to be given *viva voce*, the sheriff to keep a poll-book. Bribery and treating are forbidden. On the day of the election, public notice is to be given of the time and place of holding a court "for the receiving and certifying to the next session of the General Assembly the propositions and grievances, and the public claims of all and every person and persons within the county," these claims and grievances to be signed by those presenting them, and certified to the General Assembly, previous to every new session of which a like court is to be held. This was no novelty, but merely the giving legal sanction to a long-established usage of the province.

Burgesses coming by land are to be paid one hundred and thirty pounds of tobacco per day, besides ferriage. Those coming by water are to have one hundred and twenty pounds per day, the sheriffs being authorized to impress a boat and two men to convey them to Williamsburg, or, in the eastern shore counties, a sloop. The burgesses, divided into four classes, according to their respective distances, are to be paid respectively for one, two, three, and four days going and returning.

Out of the export duty on tobacco the twelve coun-

selors are allowed £350 sterling, about $1600, annually, for their attendance at the General Assembly and the two semi-annual General Courts, to be "proportioned" among them "according to the time of their attendance." CHAPTER XXII. 1705.

The "importation right" to fifty acres of land appertaining to every person coming into the colony to reside, being established by proof on oath in any court of law, and recorded with the secretary, is sufficient foundation for a survey, at the choice of the holder, of any lands not hitherto appropriated; which survey, made and returned to the secretary's office, authorized the issue of a patent. These importation rights were transferable; and rights of survey might also be obtained by payments into the province treasury at the rate of a shilling sterling for every ten acres. But not more than five hundred acres were to be taken up in one tract, except by persons owners of at least five tithable slaves or servants. Such persons, for each tithable slave or servant above five, might take up an additional two hundred acres, but no single patent was to exceed four thousand acres in extent. All patents became void unless "seated and planted" within three years "by the building of one house of wood after the usual manner of building in this colony," and clearing, planting, and tending one acre of land. A land system so loose as this could not but lead, in the end, to infinite litigation.

Debtors lying in prison three months, and giving up all their property, are entitled to their personal discharge. Book debts may be proved by the plaintiff's own oath, but, contrary to the practice of New England, the defendant had the right also to swear the other way.

The rise of a landed aristocracy was strikingly evinc-

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ed by an act prohibiting fines and recoveries, and allowing entails to be docked only by act of Assembly.

1705. By the old law of the colony, five years' possession of land gave a title; but by this code the right of entry was not to be barred for twenty years, and writs of right might be maintained on a seisin within fifty years. As respected other matters, the provisions of the English statute of limitations were pretty closely followed.

1706. Nott dying at the end of a twelvemonth, the place of lieutenant was given to Hunter, afterward governor of New York; but he was captured on his passage out, and carried into France. Edmund Jennings, president of the council, remained at the head of the administration for

1710. four years. A new lieutenant was presently appointed in the person of Alexander Spotswood, a military officer of sense and experience, who carried to Virginia the queen's consent to the extension of the Habeas Corpus Act to that province—a privilege hitherto denied, though on what legal grounds it is not easy to see.

Shortly after his arrival, jealous of the projects of the French, and anxious to discover a passage across the mountains—a thing not attempted since the days of Berkeley—with a large retinue, and no little pomp and ceremony, Spotswood passed the Blue Ridge. Settlers were slow to follow; but Indian traders penetrated the Alleganies, and gradually obtained for the English some obscure knowledge of the country on the Ohio and the Western lakes.

1702. In Maryland, upon a fourth attempt, the act to establish the Episcopal Church was at last made acceptable. Toleration was secured to Protestant dissenters; but, "to prevent the growth of popery," the unfortunate Catholics, the founders of the province, were subjected

1704. to a legalized system of persecution, copied from English

and Irish enactments. Mass might not be said publicly. CHAPTER XXII.
Catholics were forbidden to preach or to teach. Children ——
were even tempted to change their religion by the offer 1704
of an immediate share in the property of their Catholic fathers.

The same causes which tended in Virginia to build up a local aristocracy, operated also in Maryland. The cultivation of tobacco enriched a few; but the great proportion of the planters, "a careless, unthinking sort of folk," were degraded by ignorance and overwhelmed with debt. Under Seymour, the successor of Blackstone, the free-school project was revived. A variety of duties were imposed for its support—non-residents to pay double; and out of the funds thus provided, a free school was ultimately established in each county.

Laws were also passed for the ease of debtors, and for reducing the damages on protested bills of exchange, which Seymour represented as the "epidemic disease of the country;" but the remonstrance of the British merchants, and the recommendation of the Board of Trade, caused these laws to be negatived by the queen. Thus disappointed, some of the poorer and more ignorant col-
onists entered into an absurd conspiracy, of which the 1705.
object is represented to have been to seize the government by the help of the Indians—a project nipped in the bud by the outlawry, attainder, and execution of Clarke, the principal conspirator.

Though entirely free from the burdens and dangers of the war, the Assembly of Maryland made loud complaints of poverty and hard times. With the usual eagerness of trade, the English merchants had overtrusted the colonists, who sought relief in laws for the discharge of debtors and for preventing "aggrievances in the prosecution of suits." Seymour was succeeded by Edward 1709.

CHAPTER XXII.

Lloyd, president of the council, who remained at the head of the province till the appointment of John Hart as governor.

1714.

The Charter of Privileges did not establish the desired harmony between Penn and his colonists. The aged Andrew Hamilton, late governor of West Jersey, whom Penn, at his departure, appointed as his deputy, vainly attempted, during his short administration, to keep the province united. Under the clause to that effect in the Charter of Privileges, the separation between Pennsylvania and Delaware now became final and complete. They continued to have the same governor and council, but their administration, in other respects, became entirely distinct.

1702.

1704. John Evans, the successor of Hamilton, strove to bring about a reunion, but neither province would agree to it; and Delaware even sent an agent to England to represent that Penn had no rights of jurisdiction, and to beg the appointment of a royal governor.

Nor was the other province in much better humor. Some dispute had arisen before Evans's arrival as to the power of the Assembly to regulate its own adjournments —an authority which the new governor strove to curtail. A Church of England party had sprung up in the province, headed by the officers of the admiralty courts, and joined by most of those friends and followers of Keith who had lately borne the title of Christian Quakers. These Episcopalians watched the proceedings of the Quaker magistrates with a jealous eye, representing them as unfit to rule, especially in time of war. A recent act of Parliament, which provided, indeed, for scruples about taking oaths, but made no provision for scruples about administering them, was considered a grievance by the Quakers.

Evans having dropped a hint that Penn "might throw off a load he had found too heavy," the anger of the As- CHAPTER XXII.
sembly reached a high pitch. Headed by David Lloyd, 1704.
their speaker, a Quaker lawyer, who had acted for a time as Penn's attorney general, they agreed to nine resolutions, which, after the adjournment, were drawn out by Lloyd into a memorial, addressed to the proprietary. Penn was charged in this memorial with having evaded the fulfillment of his original promises to the colonists by artfully recovering that negative on the Assembly which he had once yielded; with playing the part of a hard and exacting landlord; with keeping the constitution of the courts and the administration of justice in his own hands; with appointing oppressive officers; and, finally, with a downright betrayal of the colonists in his present negotiation for parting with the government—a matter in which he was charged to proceed no further, lest it should look like a "first fleecing and then selling."

The indignant Penn demanded the punishment of 1705
Lloyd, whom he charged with having disingenuously exceeded his authority in drawing up and forwarding this rough address. Nor were his remonstrances without effect. The new Assembly shifted off the responsibility of Lloyd's memorial upon their predecessors. The friends of the proprietary, headed by Logan, secured a majority the next year, which provided for the support of govern- 1706.
ment, and voted an affectionate address to Penn.

This good humor, however, did not continue long. Penn's choice of governors was, indeed, a little singular. Evans was a young man, fond of pleasure, without a particle of sympathy for the peculiar notions of the Quakers. Logan, who had a chief hand in the administration, though a Quaker in form, was hardly so in fact.

CHAPTER XXII.

Evans attempted in vain to induce the Assembly to assent to some sort of military organization. He even re-

1706. sorted to the stratagem of a false alarm, in which Logan participated, not a little to his discredit with the Quakers. A fort erected at Newcastle, at which all vessels going up and down the river were obliged to report themselves, was complained of as a grievance. Warm disputes arose as to the courts of justice. The Assembly proposed a supreme court of law and equity, to be composed of three judges, to hold office during good behavior, to appoint their own clerk, and to be paid out of the fines and forfeitures. Evans wished to reserve the equity jurisdiction for himself and his council. For other matters he preferred a single judge, removable at the pleasure of the proprietary. The fines and forfeitures he claimed as a part of Penn's personal revenue, as well as the fees on tavern licenses, out of which the Assembly wished to support the county courts. As no compromise could be arranged, Evans assumed a power, which he claimed for the proprietary under the charter, but which the Assembly denied, of establishing courts by proclamation.

1707. A new Assembly, with David Lloyd again for speaker, transmitted to Penn a long list of complaints against Evans and Logan. The loose conduct and dissipated life of Evans, who had as a companion of his revels William Penn the younger, the proprietary's eldest son, gave the complainants a decided advantage. Penn ascribed his son's ruin to his residence in Pennsylvania; and that son publicly renounced Quakerism, giving for a reason the ingratitude of the colonists toward his father. Evans was presently recalled; but Penn would listen to no complaints against Logan. Previous, however, to Evans's removal, an important constitutional point was set-

tled in behalf of the colonists. Evans's instructions had reserved to the proprietary a "final assent" to all such bills as the governor should pass. But the council, including Mompesson, the chief justice, William Penn the younger, and even Logan, having their attention called to the subject by the Assembly, gave their opinion that this reservation was void, and that assent to any bill being once given by the deputy governor, it became a law, and could not be revoked without an act of Assembly. To get rid of the consequences of this doctrine, the policy was presently adopted by the proprietaries of requiring their deputy governors to give bonds to obey their instructions. CHAPTER XXII. 1707.

Penn sent as Evans's successor Charles Gookin, a military officer, who had, however, so Penn wrote, "taken leave of military life." The new governor, recommended as a man of years, sober, moderate, of a good family, not voluptuous," found the Assembly in very bad humor at Penn's refusal to dismiss Logan. They immediately attacked that clause of Gookin's instructions which required him to follow the advice of his council. Of such a body no mention was made either in the royal charter or the late Charter of Privileges, and the right, therefore, of the council to participate in the government the Assembly denied. 1709

This attack on the council was really aimed at Logan, who was also assailed by name as "an enemy to the welfare of the province, and abusive of the representatives of the people." The Assembly went so far as to issue a warrant for his arrest; but this warrant was superseded by the governor; and Logan proceeded to England, 1710 whence he soon returned with a letter from Penn, recapitulating the history of the province, and his costly efforts to serve it; complaining of the indignities put upon

CHAPTER XXII.

him—attacks on his character, intrusions on his private property, and the attempt to compel him to support the
1710. government out of his quit-rents and other dues; intimating that the hostility to Logan grew out of his faithful adherence to the proprietary interest; and suggesting that, unless a change took place, he might find it necessary, after all, to dispose of so vexatious a sovereignty. This letter produced the desired effect. At the next election an entirely new Assembly was chosen, and most of the points in dispute were arranged.

Penn, however, had made up his mind to relieve himself from a position at once so troublesome and unprofitable—a step to which he was further induced by increasing pecuniary embarrassments. For a consideration of £12,000, he entered into a contract for ceding the sovereignty of the province to the queen, reserving to himself the quit-rents and property in the soil. But a delay having been occasioned by the representations of Penn's late London agent, of whom he had borrowed money at most usurious rates of interest, secured by a mortgage on the province, the completion of the contract
1712. was finally prevented by an attack of paralysis, which disabled Penn for business, though he continued to live some six years longer.

1702. The anti-Leislerian party in New York had obtained, by the patronage of Cornbury, a majority in the new Assembly. They showed their gratitude by a present of $6666 to that needy governor, and by raising his salary to $4000, double the former amount. They also continued the existing revenue for seven years. The Board of Trade, when the new war was threatened, had adopted the old policy of calling on the other colonies for quotas toward the defense of New York. But they were answered with complaints of weakness and poverty, and

counter calls for arms, munitions, and naval defense. CHAPTER XXII.
The Virginians excused themselves by alleging that, so far as they were concerned, New York ought not to be regarded as a fortified barrier; and Nicholson in vain tried to shame them by affecting to advance out of his own pocket the £900 asked for as their quota. Pennsylvania was equally obstinate; and since these two provinces would contribute nothing, Maryland begged to be excused from paying over the £300 which she had voted. 1702.

There was the less need of these contributions, since New York, during this war, enjoyed, on the land side, a sort of neutrality. Unwilling to interrupt the peace so recently made with the Iroquois, the Marquis de Vaudreuil, the new governor general of New France, sent no war parties in that direction. The Five Nations, on their part, mindful of their former sufferings, and influenced, no doubt, by the French prisoners adopted into their nation, declined to raise the hatchet against the French, or to dismiss the French missionaries. 1703.

The harbor of New York was unfortified, and liable to be entered by French privateers. The Assembly voted money to erect batteries at the Narrows, but of the expenditure of that money no satisfactory account could be obtained. The policy was thereupon adopted by the Assembly—and in spite of the remonstrances of the council, the authority of the Board of Trade, and a dissolution by the governor, it was steadily persisted in—of refusing any further extraordinary grants, unless to be disbursed by a treasurer of their own.

We have had several occasions to mention the farm on Manhattan Island originally the property of the Dutch West India Company, known successively as the company's, the duke's, the king's, and the queen's farm, and rented, in Cornbury's time, for £30 a year. This farm

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was presented by Queen Anne to the new English church recently completed at New York, under the act which Fletcher had procured, and now incorporated by act of Assembly. In process of time, with the extension of the city, the lands thus given became covered with buildings; and, let on long leases, they still produce the ample revenue of Trinity Church.

1703.

Cornbury signalized his own zeal for the Church of England by denying the right of preachers or schoolmasters to exercise their functions in the province without a bishop's license. He was justified in this by the letter of his instructions; but when he caused two Presbyterian missionaries, sent out by some Dissenters in England, to be prosecuted, the jury gave a verdict of acquittal, and the proceedings excited the indignation of the colonists, of whom but very few were members of the English Church. A great outcry was also raised against the governor for his extortions in the way of fees, against which a new Assembly energetically remonstrated.

1707.

1708.

Nor was Cornbury any more popular in his other province of New Jersey, which was torn by three contending parties, the Quakers, the Episcopalians, and the Presbyterian and Congregational dissenters, to either of which the governor was ready to sell himself, though his leaning was very decided to the Church of England. The Assembly, at last, in a pungent address, read to the governor by Samuel Jennings, the speaker, directly accused him, besides other things, of being the "merchandise of factions." Lewis Morris, a native of New York and a counselor of New Jersey, who acted for many years a conspicuous part in the affairs of both provinces, displaced from his office of counselor by the governor, but elected in consequence to the Assembly, represented

1707.

to the English secretary of state Cornbury's vices and misbehavior. The Board of Trade, on complaint of the owners of a merchant vessel which he had seized at New York under some pretense of violations of the acts of trade, pronounced his conduct illegal and censurable. The queen removed him, though he was her cousin, and his creditors threw him into prison at New York. But he presently succeeded to the earldom of Clarendon, and the privilege of peerage discharged him from custody. Lord Lovelace, appointed his successor, died shortly after arriving, and the administration again passed into the hands of Ingolsby as lieutenant governor. CHAPTER XXII. 1709

When Dudley arrived to assume the government of Massachusetts, he found Stoughton recently dead, and the administration in the hands of the counselors, several of whom had concurred in his imprisonment at the time of the insurrection against Andros. At the next election Dudley evinced his remembrance of the past by rejecting five out of the twenty-eight chosen counselors—a prerogative hitherto exercised only once, by Phipps in the case of Cooke. Cooke and his fellow-agent Oakes, who still retained, as leaders of the old theocratic party, a great influence in the province, were both now rejected. Dudley soon quarreled also with the Mathers, the clerical leaders of that same party, which, down to this moment, notwithstanding the revocation of the old charter, had been, in fact, dominant in the affairs of Massachusetts. But that domination was now to cease. 1702. June. 1703. May.

A new school of divines, known as Latitudinarians, sprung up among the Protestants toward the conclusion of the previous century, had essayed the delicate task of reconciling reason with revelation. They not only rejected the authority of tradition, so highly extolled and implicitly relied upon by the Catholics and the English

CHAPTER XXII.

1703. High Churchmen; they scouted, also, that special interior persuasion which the Puritans, after the early Reformers, had denominated faith, but which to these reasoning divines seemed no better than enthusiasm. They preferred to rest the truth of Christianity on the testimony of prophecy and miracles, of which they undertook to establish the reality by the application to the Bible history of the ordinary rules of evidence, by which same rules they undertook to establish, also, the authenticity and inspiration of the Bible itself. The recent organization of a fourth church at Boston, that of Brattle Street, on the express principle of not requiring any public relation of religious experience, indicated that these Latitudinarian ideas were penetrating even into New England. That church, with Colman, their minister, professed, indeed, to adhere to the Westminster Confession, and strenuously denied the unpopular charge of Latitudinarianism. Yet, in conjunction with Stoddard, of Northampton, and some other ministers and churches, they presently pushed the principle of the half-way covenant so far as to grant to all persons not immoral in their lives admission to the Lord's Supper; indeed, all the privileges of full church membership. Much to the mortification of the Mathers, who wrote and protested against this doctrine, the college at Cambridge presently passed under the control of the new party—a change not without important results on the intellectual history of New England. Dudley rather favored these Latitudinarian divines, but he was not governed by them; and, under his administration, the pretensions of the ministers to advise and control the executive and the Legislature came to a total and final end.

The Mathers and others engaged in intrigues, not always very creditable, to procure Dudley's removal. He,

too, intrigued to create a party in his favor. But his enemies had an overwhelming majority in the General Court; and, during the earlier years of Dudley's administration, his unpopularity was excessive. The representatives seemed, indeed, to make it a point to reject every thing which he proposed. He was instructed to procure a permanent salary for himself and the judges —not only was this refused, but even an annual salary was very grudgingly bestowed. The governor, however, sustained himself with firmness; and he found an able supporter in his son Paul, educated to the law in the Temple at London, and now appointed attorney general. Paul wrote, however, that Massachusetts was a very poor place for "gentlemen;" meaning those who wished to grow rich on the labors of others. CHAPTER XXII. 1703.

Dudley's commission, like that of his predecessor, extended to New Hampshire also. The Assembly of that province, anxious to secure favor in the pending controversy about quit-rents, readily voted, in conformity with the royal request, a fixed salary to the governor. But to Usher, the lieutenant governor, they would grant nothing.

At the close of the late war, there had remained in the whole of Maine and Sagadahoc only four inhabited towns. Others had been reoccupied, and industry was resuming its course, when the breaking out of the new war with France excited new apprehensions. Earnest efforts were made to keep the Eastern Indians quiet. Dudley undertook a progress as far east as Pemaquid to renew the treaties. But a band of unprincipled colonists presently attacked and plundered the half-breed son of Baron St. Castin, who dwelt on the Penobscot, and had succeeded there to some share of his father's influence. In consequence of this outrage, before long hostilities were renewed. 1703

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1704. The broken remnants of those Eastern tribes, whose vicinity to the English had exposed them most, were collected by the French, and established in two villages, Becancour and St. Francis, on two rivers of the same names, flowing from the south into the St. Lawrence. Here they had chapels and priests. Religious zeal and the remembrance of exile inflamed their natural aptitude for war. They were always ready for expeditions against the frontiers of New England, against which, in consequence of the truce with the Five Nations, the whole force of Canada was now directed.

With two hundred Canadians and a hundred and fifty Indians, Hertelle de Rouville, descending along the Con-

March. necticut, approached Deerfield, then the northwestern frontier town of New England. Like the other frontier villages, it was inclosed by a palisade; but the sentinels slept, and high snow-drifts piled against the inclosure made entrance easy. Why repeat a story of monotonous horrors? The village was burned; forty-seven of the inhabitants were slain; the minister and his family, with upward of a hundred others, were carried into captivity. Dread and terror seized the inhabitants of Massachusetts. The whole of their extended northern frontier was liable to similar attacks. They were exposed alone to the whole brunt of the war. A reward of $66 was offered for Indian prisoners under ten years of age, and twice as much for older prisoners, or for scalps—premiums afterward variously modified and considerably increased. Thus stimulated, the colonial rangers were soon able to rival, and presently to surpass, the Indians in the endurance of cold and fatigue, and to follow up a trail with equal sagacity. Yet so shy and scattered were these lurking enemies, and so skilled in all the arts of that skulking warfare which they practiced, that each

Indian scalp taken during this war was estimated to have cost the colony upward of £1000, $3333. The barbarizing influence of such a struggle was even more to be deprecated than its cost and its miseries. Some of the Connecticut Indians were employed as auxiliaries, but they seemed to have lost their warlike spirit. CHAPTER XXII. 1704.

The veteran Church, so soon as he heard of the burning of Deerfield, mounted his horse and rode seventy miles to offer his services to Governor Dudley. He was soon dispatched with six hundred men against the French establishments at Penobscot and the eastward. When it came out, however, that Church had orders not to attack Port Royal, advantage was taken in the General Court to raise a great outcry. Some of the governor's enemies even insinuated that he wished to spare a town with which some of his mercantile friends in Boston carried on, as was alleged, a profitable though illegal traffic. June.

The governor of New France, at Dudley's request, readily agreed to an exchange of prisoners. He even proposed a suspension of hostilities; but the General Court of Massachusetts, in hopes of an expedition from England for the conquest of Canada, refused its assent. Dudley, however, protracted the negotiation, and boasted of the security which the province thus enjoyed. 1705.

During this intermission of hostilities, a vessel sent to Port Royal to carry out the exchange of prisoners became a source of great excitement. It was alleged that military stores were privately shipped at the same time, and it was even insinuated that Dudley shared the profits. Four Boston merchants, implicated in this affair, were presently arrested on the charge of treasonable correspondence and trade with the enemy. Alleging that the Superior Court had no jurisdiction, the House of Representatives took up the matter, and passed six several acts

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inflicting fines and imprisonment on the offenders. These acts, however, were presently set aside in England as an illegal stretch of power; and even his enemies in the General Court saw fit to disclaim the insinuations which had been freely thrown out against Dudley.

1705.

Charges of connivance with the enemy were not confined to Boston. The Dutch of Albany were accused of purchasing plunder of the Indians, selling them arms and powder, and allowing war parties from Canada to pass undisturbed through their neighborhood. But this charge did not extend to Major Schuyler, who was always prompt to give warning of danger, and whose warnings, had they been regarded, might have saved Deerfield from destruction. He even labored, and not altogether without success, to persuade the Christian Mohawks of Cagnawaga to forego their war parties against the frontiers of New England.

Rhode Island and Connecticut, though covered by the intervening territory of Massachusetts, were less ready than the people of Massachusetts desired to contribute to carry on the war. A school for the education of ministers, the embryo of what afterward became Yale College, had been established at Saybrook. As to the people of Rhode Island, they gave, as yet, little heed to ministers, schools, or colleges. Cotton Mather describes them as "a generation of libertines, familists, Antinomians, and Quakers, whose posterity, for want of schools and a public ministry, are become so barbarous as not to be capable either of good English or good sense." But this testimony, from so interested a witness, is to be received with some grains of allowance.

1701.

1703. That colony was now divided into two counties, *Rhode Island* and *Providence*. Some progress was also made toward the settlement of the boundary dispute with Con-

necticut, but after long negotiations the arrangement fell through, and the quarrel revived. These colonies found zealous and active enemies in Dudley and Cornbury. Dudley, like Phipps, and Cornbury, like Fletcher, had royal commissions to command the militia, the one of Rhode Island, the other of Connecticut; but any obedience to these commissions was refused, and with good reason, since it had once already been decided, after argument, that the crown had no right to grant such commissions. Cornbury alleged "that Rhode Island and Connecticut hate every body that owes any subjection to the queen." It was even proposed to place these republican colonies under a royal governor during the continuance of the war; but, after hearing counsel against it, this project was laid aside. The Connecticut Assembly having neglected to repeal the old law against Quakers, it was declared void by a royal order in council. On the recommendation of the Board of Trade, a new bill for regulating the chartered colonies was introduced into Parliament. But the doctrine of vested rights had made such progress among the Whigs, that the revocation of charters seemed too great a stretch of power.

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1704.

1705. 1706.

After the death of Fitz-John Winthrop, Gurdon Saltonstall, minister of New London, great-grandson of Sir Richard Saltonstall, was chosen governor of Connecticut, and he continued for seventeen years to be annually re-elected. This was a great innovation upon the original institutions of New England, according to which not only ministers, but even ruling elders, were disqualified to hold civil offices. Saltonstall warmly supported the Saybrook platform, a scheme of church polity drawn up by a colonial synod and approved by the Assembly. "Consociations" of ministers, first introduced by this platform, brought the ecclesiastical constitution of Con-

1707

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necticut into close resemblance to Presbyterianism—a system favored, indeed, by the Latitudinarians, as diminishing the influence of uninstructed and bigoted church members, and giving to the intelligent and educated few a greater weight in church affairs.

1708.

The judiciary system of Massachusetts and New York was partially imitated in Connecticut by transferring to a Superior Court of five judges the judicial authority hitherto exercised by the assistants. These judges, however, instead of being appointed by the executive, were annually chosen by the Assembly.

1711.

The boundary between Massachusetts and Connecticut, as run in 1642, instead of keeping due west, deviated considerably to the south. The line was now run anew by mutual consent, and was established as at present, with this exception, that the towns of Woodstock, Suffield, and Enfield, though they fell south of the new line, yet, having been settled under the jurisdiction of Massachusetts, were suffered to remain a part of that province, Connecticut receiving an equal quantity of wild lands in Massachusetts, which were sold, and the proceeds given to the new college. The revolt of these three towns from the Massachusetts jurisdiction will be mentioned in a subsequent chapter.

Connecticut was much and long annoyed by a protracted law-suit, commenced by Samuel Mason, great-grandson of Major Mason, the hero of the Pequod War, to recover, on behalf of the Mohegan Indians, for whom the Mason family acted as guardians, certain land, of which the jurisdiction only, it was alleged had been ceded by the original proprietors, though Connecticut had undertaken to make grants of it. This law-suit was promoted by Dudley, who thus became as unpopular in Connecticut as he was in Massachusetts. Carried by

appeal before the king in council, it was kept in litiga- CHAPTER XXII.
tion down almost to the Revolution.

Newport, now rising to mercantile importance, was 1710.
described by the Board of Trade "as a kind of free port, whence great quantities of goods are sent to other colonies." Rice, and other "enumerated articles," obtained in exchange for these goods, were brought to Newport, and thence smuggled to Portugal and other European countries.

The English supply of naval stores, of which the war occasioned a great consumption beyond the ordinary demand, had long been drawn from Norway and Sweden. A mercantile company in those countries having obtained a monopoly of those articles, the consequent enhancement of prices suggested the idea of encouraging their production in America. Thus was again revived, and with better success, one of the branches of industry attempted in the early settlement of Virginia. An act of Parliament 1704.
offered premiums on the importation from America of masts, tar, and rosin. At the same time, the cutting down was prohibited, in New England, New York, and New Jersey, of any pine trees fit for masts, or for the manufacture of tar or pitch, growing on any uninclosed lands. This law encountered great resistance in Massachusetts and New Hampshire, and additional acts became 1710.
necessary to modify and enforce it.

The Board of Trade had early complained of the diversity which existed in the colonies in the moneys of account, and of the various rates at which the Spanish coins, which formed the principal circulation, passed current in different places. An idea prevailed that coin might be kept in the country by enhancing its nominal value; and this value was still further increased by the depreciation of the circulating bills of credit. A royal

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proclamation established for all the colonies the old New England standard, by fixing the value of the dollar at six
1704. shillings; and this proclamation was presently re-enforced
1707. by an act of Parliament, inflicting penalties of fine and imprisonment on such as disregarded it. But this regulation of the currency was evaded in some colonies, and openly disregarded in others; and, before long, the circulating medium was thrown into still greater confusion by new issues of paper money. The rate, however, of six shillings to the dollar remained the legal standard, known in several of the colonies as "proclamation money."

Another act of the same year, intended to encourage the American trade, and particularly the fitting out of privateers in America, prohibited impressments in the colonial ports and waters, unless of such sailors as had previously deserted from ships of the navy.

1706. When it became evident that Massachusetts had no intention to accept his proffered truce, the governor of New France had renewed the war. As a means of flattering his Indian allies, and of attracting attention toward Canada, he sent to Paris a noted Indian warrior, who was received at court with much ceremony.

Dudley's messengers to negotiate an exchange of prisoners had spied out the weakness of Canada; and, in consequence of Dudley's assurance that with four ships he could conquer New France, the English government
1707. had promised an armament. But the loss of the battle of Almanza, which restored to the Bourbons the possession of Madrid, from which they had been temporarily driven by the arms of Peterborough, deranged the plans of the English ministry, and detained the promised troops.

New England, unassisted, was more than a match for Acadie, and Dudley hoped, by the conquest of that province, to put a stop to the annoying and expensive war

on the eastern frontier. Connecticut declined to join in this enterprise; but Rhode Island and New Hampshire both assisted, and issued their first bills of credit to raise the means. A thousand men, under Colonel March, escorted to Port Royal by an English frigate, entered the river and landed before the town. They had no cannon, except light artillery, and as the fort was too strong to be carried by assault, they solaced themselves by destroying the settlement. They burned the houses, killed the cattle, and drowned the corn by cutting the dikes which protected the rich flats along Port Royal River. Had an English colony sustained such losses, such was the boast of the engineer, it would have thought itself utterly ruined. Not satisfied with this havoc, they proceeded to make a general ravage of the coast of Acadie. At Casco Bay, on their way home, they were met by a committee of the Massachusetts General Court, sent to lead them back to Port Royal. But the citadel defied all their efforts, and the forces, wasted by disease, were obliged a second time to abandon the enterprise.

CHAPTER XXII.

1707.

Aug.

Next year the Indian ravages became more alarming than ever. The very neighborhood of Boston was threatened. Hertelle de Rouville, again descending from Canada, this time by the valley of the Merrimac, attacked Haverhill, the frontier town on that river, scarcely yet recovered from the ravages of the former war. Having piously prayed together, De Rouville and his Indians rushed into the town about an hour before sunrise. The houses were plundered and set on fire; forty or fifty of the inhabitants were slain, some of them perishing in the flames of the houses; as many more, taken prisoners, were carried off to Canada. Hotly pursued from the neighboring towns, the assailants were obliged to fight shortly after leaving Haverhill, yet, with the loss of

1708.

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some of their prisoners, they succeeded in making good their retreat.

1708. Alarmed at this new specimen of French and Indian enterprise, the General Court of Massachusetts called the queen's attention to the "consuming war" in which they had been engaged, now little short of twenty years. They begged her commands to the Mohawks to fall upon the French, and her assistance to conquer Canada and Acadie.

Vetch, a Boston merchant, one of the late commissioners to Quebec to treat for the exchange of prisoners, who had taken that opportunity to make soundings of the channel of the St. Lawrence, was sent to England to

1709. April press this request. He came back with the promise of a fleet and army, news which, in spite of the opposition of the traders of Albany, who carried on a gainful commerce with Canada, excited in New York as well as New England the greatest enthusiasm. Ingolsby, lieutenant governor of New York, took care to keep the Assembly in good humor by resigning into their hands the appointment of officers, and the regulation, by a committee, of the commissary department. Five hundred men were raised; provisions were promised for the troops of the other colonies expected to co-operate; and bills of credit, for the first time in New York, were issued to pay the expense. To provide means for equipping their quotas, Connecticut and New Jersey, equally zealous, now also issued their first paper money.

This enthusiasm did not extend to Pennsylvania Called upon by Governor Gookin to contribute a hundred and fifty soldiers, the Quaker Legislature protested, "with all humility," that "they could not, in conscience, provide money to hire men to kill each other." Out of their dutiful attachment to the queen, in spite of their

scruples, they tendered her a present of £500; but this pittance Gookin refused to accept. CHAPTER XXII.

The plan of campaign devised twenty years before by Leisler and Phipps was now again revived. The four Eastern clans of the Iroquois had been persuaded to raise the hatchet. The quotas of Connecticut, New York, and New Jersey, with four independent companies of a hundred men each, the regular garrison of New York, amounting in the whole to one thousand five hundred men, were assembled at Wood Creek, near the head of Lake Champlain, for an attack on Montreal. The command of these troops was given by the contributing Assemblies to Nicholson, bred an army officer, an old official, a man of very active disposition, whom we have seen sucessively governor of New York, of Maryland, and of Virginia, and whose former zeal in urging a grant by Virginia for the defense of New York was now gratefully remembered. 1709.

Another army of twelve hundred men, the quotas of Massachusetts, New Hampshire, and Rhode Island, destined to operate against Quebec, anxiously awaited at Boston the arrival of the promised British fleet. But new disasters in Spain again diverted this expected aid; and all these expensive preparations, by far the greatest yet made in the British colonies, fell fruitless to the ground.

The governors of the colonies concerned in this enterprise met at Boston, and Nicholson and Vetch carried to England their solicitations and complaints. Schuyler, of Albany, who exercised a great influence over the Mohawks, imitated the policy of the governor of Canada, by taking with him to England five Mohawk warriors. Tricked out in scarlet cloaks, borrowed from the wardrobe of a London theater, these savages attracted a large

CHAPTER XXII. share of public attention. The "Tatler" and "Spectator," then in the course of publication, make several al-

1710. lusions to them.

July. The commissioners returned the next summer with two ships of war and five hundred marines. Connecticut and New Hampshire each raised a regiment; two regiments were contributed by Massachusetts; and Nicholson and Vetch, with twenty New England transports, sailed to attack Port Royal. The French garrison, feeble and mutinous, surrendered as soon as the siege was formed. By the terms of the capitulation, the inhabitants, within a circuit of three miles, upon taking an oath of allegiance to England, were to be protected for two years, and were to have that period to dispose of their property. The miserable inhabitants of the other districts in vain solicited the same terms. They were treated as prisoners at discretion; their property was plundered; it was even proposed to drive them from their homes "unless they would turn Protestants." A message was sent to the governor of Canada, that if he did not put a stop to the Indian parties against the frontiers of New England, any cruelties which they might inflict should be retorted on the unhappy Acadiens. Such conduct was little calculated to secure quiet possession of the province; and Vetch, left at Port Royal with four hundred men, soon found himself invested by the Acadiens and the Indians.

Neal's patent for colonial posts having expired, an act of Parliament extended the British post-office system to America. A chief office was established at New York, to which letters were to be conveyed by regular packets across the Atlantic. The same act regulated the rates of postage to be paid in the plantations, exempted the posts from ferriage, and enabled post-masters to recover

their dues by summary process. A line of posts was presently established on Neal's old routes, north to the Piscataqua, and south to Philadelphia, irregularly extended, a few years after, to Williamsburg, in Virginia, the post leaving Philadelphia for the south as often as letters enough were lodged to pay the expense. The postal communication subsequently established with the Carolinas was still more irregular. CHAPTER XXII. 1710.

The successor of Lovelace as governor of New York was Robert Hunter, whose unsuccessful attempt to reach Virginia has been already mentioned. A Scotsman by birth, Hunter had commenced life as a runaway apprentice and a common soldier. He had risen, however, to military rank; by his literary taste and accomplishments, had gained the friendship of Addison and Swift; by his good looks and insinuating manners, the hand of a peeress; and by her interest an appointment, first to Virginia, and then to New York.

The ravages of military operations in Europe had driven from their homes on the banks of the Rhine a large number of unhappy Germans, many of whom had sought refuge in England. Three thousand of these fugitives were sent out with Hunter to be settled on the banks of the Hudson, under indentures to serve the queen as "grateful subjects in the production of tar," their expenses, to the amount of £10,000, being paid by a parliamentary grant. A supply of naval stores for the queen's dock-yards was hoped from this arrangement. These Germans, contrasting their situation with that of the free settlers around them, soon grew so dissatisfied that Hunter was obliged to use force to compel them to submit. The experiment proved a failure; their subsistence for several years cost £20,000 beyond all the produce of their labor. When, at length, their in-

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dentures were canceled, they soon became thriving and industrious. It was by them that the first settlements
1710. were made in the Valley of the Schoharie, and on the upper waters of the Mohawk at the fertile *German Flats*

A still larger number of these German exiles found refuge in Pennsylvania, to which colony also many were carried as indented servants. Another body of them was sent to North Carolina by the proprietaries of that province. It was this immigration which first introduced into America compact bodies of German settlers, and along with them the dogmas and worship of the German Lutheran and German Reformed Churches. Constantly supplied with new recruits, and occupying contiguous tracts of territory, these immigrants preserved and have transmitted to our day, especially in Pennsylvania, the German language and German manners. Their industry was remarkable; they took care to settle on fertile lands, and they soon became distinguished as the best farmers in America.

In the new Assembly which Hunter called, seats were secured for Lewis Morris and others, of whose support he had assured himself. Taught, however, by past experience, in spite of all Hunter's efforts, the Assembly refused to renew the expired seven years' revenue. They would grant nothing for a longer term than a single year —a procedure of which Hunter and the Board of Trade complained the more loudly, since the queen annually expended £20,000 in maintaining troops and ships for the defense of New York. It was threatened to raise a rev-
1711. enue by act of Parliament, and a bill was drawn for that purpose. But intended only to terrify, it was not pressed, and four successive Assemblies firmly maintained the policy of annual grants. Hunter wrote home in despair that the delegates were resolved to put themselves on a

footing with the chartered colonies, and that no measures of his could prevent it. CHAPTER XXII.

Jeremiah Dummer, a graduate of Harvard and Utrecht, grandson of Richard Dummer, the founder of Newbury, a young man of superior abilities and accomplishments, unable to find any suitable employment at home, had gone to seek his fortune in London. Appointed agent for Massachusetts and Connecticut, he presented a memorial to the queen, begging her, "in compassion to her plantations, to send an armament against Canada," in which enterprise he represented that not only Massachusetts, but other provinces, "even Virginia," would be ready to aid. The Tories, under Harley and St. John, had just raised themselves to power. To the surprise of the colonists, who did not expect from a Tory ministry what they had in vain solicited from the Whigs, Nicholson, who had gone again to England, returned with the news that a large fleet and army, destined against Canada, would speedily arrive. St. John himself had undertaken to superintend the outfit. The command of the troops was given to General Hill, brother of that Mrs. Masham to whose influence with the queen the ministers were greatly indebted for office. The fleet was commanded by Sir Hovenden Walker, who gained, however, no laurels from this expedition.

1710. 1711. Jan. June.

Within a fortnight after Nicholson had given the first notice of what was intended, a fleet of fifteen ships of war, with forty transports, bringing five veteran regiments of Marlborough's army, arrived at Boston. Here they were detained upward of a month, waiting for provisions and the colonial auxiliaries. The want of notice caused some inevitable delay; but the northern colonies exerted themselves with remarkable promptitude and vigor. The credit of the English treasury, broken down

June 24.

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by a long and expensive war, was so low at Boston that nobody would purchase bills upon it without an endorse-

1711. ment, which Massachusetts furnished in the shape of bills of credit to the amount of £40,000, advanced to the merchants who supplied provisions to the fleet. After a delay of which the officers loudly complained, the ships

July 30. sailed at last with seven thousand men on board, half regulars and half provincials.

New York issued £10,000 in bills of credit to pay the expense of her share of the enterprise, taking care, however, to deposit the money in the hands of special commissioners. Pennsylvania, under the name of a present to the queen, contributed £2000, but none of the colonies further south seem to have taken any interest in the matter. Some fifteen hundred troops, the quotas of Connecticut, New York, and New Jersey, again placed under the command of Nicholson, assembled at Albany for an attack on Montreal simultaneously with that on Quebec, and Nicholson's camp was presently joined by eight hundred warriors of the Five Nations. But the advance was cut short by news of the failure of the expedition by sea.

As the fleet was proceeding up the St. Lawrence during a dark and stormy night, through the obstinacy and negligence of Admiral Walker, eight transports were wrecked, and near a thousand men perished. Discouraged at this disaster, the admiral turned about, and, sending home the colonial transports, sailed direct for England, not even stopping by the way, as his instructions had indicated, to attack the French posts in Newfoundland. The British officers concerned in the expedition attempted to shift off on the colonists the blame of this failure. They alleged "the interestedness, the ill nature, and sourness of these people, whose hypocrisy

and canting are insupportable." The indignant colo- CHAPTER XXII.
nists, suspicious of the Tory ministry, believed that the
whole enterprise was a scheme meant to fail, and spe- 1711.
cially designed for their disgrace and impoverishment. Harley, having quarreled with his colleagues, denounced it to the House of Commons as a job intended to put £20,000 into the pockets of St. John and Harcourt. Nowhere was the failure of this enterprise more felt than in New York. A war with the Five Nations was even apprehended. That confederacy showed a strong disposition to go over to the French. An invasion by sea was feared. To crown all, the province was frightened
by a plot, real or pretended, on the part of the slaves, to 1712.
burn the city, for which nineteen unhappy victims pres- April.
ently suffered. The population of the city of New York, according to an official census, amounted at this time to five thousand eight hundred and forty.

While the northern provinces were busy with this expedition against Canada, North Carolina became the seat of civil commotions, followed presently by a devastating Indian war. As Deputy-governor Cary did not account for quit-rents to the satisfaction of the proprietaries, he
had been removed from office, and the administration, by 1708.
the choice of the council, had devolved on Glover as president. But Cary, "being joined," according to Spotswood, "by certain Quakers interested in the administration, gathered together a rabble of loose people, and by force of arms turned out the president and most of the council." Hyde, a connection of the Clarendon
family, was sent from England to compose these differ- 1710.
ences; but Tynte, governor of the southern province,
by whom he was to have been commissioned, died before his arrival. The principal inhabitants, however, and even Cary himself, requested Hyde to assume the ad-

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ministration as president till he could receive a formal commission as governor. A new Assembly adopted

1711 violent measures against Cary. He called in question

March their authority, again proclaimed himself governor, and collected several armed vessels to attack Hyde and his council, who applied to Spotswood for aid. Spotswood sent an agent to compose matters, followed by a few militia and marines from the ships of war stationed in the Chesapeake. The insurgent governor, with some of his principal adherents, fled westward to the Indians, whom they were accused, though probably without any grounds, of inciting to hostilities. Presently they made their appearance in Virginia, declaring their intention to appeal to the proprietaries. They were arrested by

July. Spotswood, and sent to England for trial. But the expense of a prosecution, it was feared, might "ruin the country;" and though denounced by the re-established authorities as "dangerous incendiaries," they were suffered to escape for want of evidence. Indeed, the whole attention of the province was speedily engrossed by a war with the Tuscaroras.

A body of German emigrants, recently sent out by the proprietaries, had established themselves on the southern bank of the Neuse, near the mouth of which river some Swiss settlers had lately planted the town of *New Berne*. Enraged at this new trespass on their lands, the Tuscaroras seized Lawson, the surveyor general of the province, and, having discussed the matter in coun-

Sept. cil, burned him at the stake. Graffenburg, superintendent of the German settlers, taken at the same time, represented that he was chief of another tribe distinct from the English, and recently arrived in the country, and on that plea was dismissed, after promising to occupy no more Indian lands.

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The Tuscaroras immediately commenced a devastating attack, which the German settlers were ill able to resist. The Quakers, who were numerous in North Carolina, refused to bear arms. The late insurgents were still out of humor; and Hyde found it very difficult to defend the province. Spotswood was destitute of means, having just dissolved the Virginia Assembly on a disagreement about raising supplies. The Legislature of South Carolina voted assistance to the northern province; and Governor Craven sent Barnwell to their aid with a small force of colonial militia and a large body of friendly Indians—Catawbas, Yamassees, Cherokees, and Creeks. Compelled to take refuge in their fort, the Tuscaroras soon agreed to a peace; but, as the South Carolina forces retired, they fell upon several unsuspecting Indian villages, and carried off the inhabitants to sell as slaves—an odious piece of treachery, which the Tuscaroras revenged by renewing the war. The yellow fever also made its appearance. The inhabitants of North Carolina, in distress and terror, fled in numbers from the province. Spotswood stopped and sent back the fugitives; and, having obtained from a new Assembly an unwilling vote of aid—for there was no love between the inhabitants of Virginia and North Carolina—he sent an auxiliary body of militia. He rendered a still more effectual service by taking advantage of a division among the Tuscaroras to negotiate peace with a part of the tribe.

1711.

1712. January.

The next winter, Moore, son of the former governor of that name, marched from South Carolina with a new force of forty militia and eight hundred friendly Indians. The hostile Tuscaroras were again besieged, and their fort, in what is now Greene county, was taken, and eight hundred prisoners in it. These prisoners, claimed

1713. January.

Mar. 26.

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by the Indian allies, were carried off to South Carolina to be sold as slaves—a circumstance which explains the facility with which the Indians were engaged in the war.

1713. These successes were vigorously followed up. To furnish means, North Carolina issued £8000, her first bills of credit. The hostile Tuscaroras abandoned their country, and retired northward, through the unsettled regions of Virginia and Pennsylvania, to Lake Oneida, in the country of the Five Nations. Similarity of language indicated an origin from a common stock. These fugitives were kindly received, and presently admitted as a sixth tribe into that famous confederacy.

The export of Indian slaves from Carolina already had been, and now again became, a subject of complaint in Pennsylvania. The importation of Indian slaves into that province, except such as had been a year domiciled

1705. in the family of the importer, had already been prohibited by an act, especially referring to this Carolina traffic "as having given our neighboring Indians of this

1712. province some umbrage for suspicion and dissatisfaction."

June. A new act, "to prevent the importation of negroes and slaves," alleging plots and insurrections, and referring in terms to the recent plot in New York, imposed a prohibitory duty of £20 upon all negroes and Indians brought into the province by land or water, a drawback to be allowed in case of re-exportation within twenty days. Indulgence was also to be granted for a longer time, not exceeding six months, "to all gentlemen and strangers traveling in this province who may have negro or Indian slaves to attend them, not exceeding two for one person." Runaways from the neighboring provinces, if taken back within twenty days after identification, were to be free of duty; otherwise, or if not claimed within twelve months, they were to be sold, and the proceeds paid into the treas-

ury, the owner being entitled only to what remained after paying the duty and expenses. Very large powers were given to the collector to break all doors, and seize and sell all slaves suspected to be concealed with intent to evade the duty. This act, however, within a few months after its passage, was disallowed and repealed by the queen. CHAPTER XXII. 1712.

A Massachusetts act on the same subject recites "that diverse conspiracies, outrages, barbarities, murders, burglaries, thefts, and other notorious crimes and enormities, at sundry times, and especially of late, have been perpetrated and committed by Indians and other slaves within several of her majesty's plantations in America, being of a surly and revengeful spirit, rude and insolent in their behavior, and very ungovernable, the over great number and increase whereof within this province is likely to prove of pernicious and fatal consequences to her majesty's subjects and interest here unless speedily remedied, and is a discouragement to the importation of white Christian servants, this province being differently circumstanced from the plantations in the islands, and having great numbers of the Indian natives of the country within and about them, and at this time under the sorrowful effects of their rebellion and hostilities;" in consideration of all which, the further import of Indian slaves is totally prohibited, under pain of forfeiture to the crown. Aug.

Cotemporaneously with these prohibitory acts of Pennsylvania and Massachusetts, the first extant slave law of South Carolina was enacted, the basis of the existing slave code of that state. "Whereas," says the preamble of this remarkable statute, "the plantations and estates of this province can not be well and sufficiently managed and brought into use without the labor and June.

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service of negro and other slaves; and forasmuch as the said negroes and other slaves brought unto the people of this province for that purpose are of barbarous, wild, savage natures, and such as renders them wholly unqualified to be governed by the laws, customs, and practices of this province; but that it is absolutely necessary that such other constitutions, laws, and orders should in this province be made and enacted for the good regulation and ordering of them as may restrain the disorders, rapine, and inhumanity to which they are naturally prone and inclined, and may also tend to the safety and security of the people of this province and their estates," it is therefore enacted that "all negroes, mulattoes, mestizoes, or Indians, which at any time heretofore have been sold, and now are held or taken to be, or hereafter shall be bought or sold for slaves, are hereby declared slaves; and they and their children are hereby made and declared slaves to all intents and purposes, excepting all such negroes, mulattoes, mestizoes, and Indians which heretofore have been or hereafter shall be, for some particular merit, made and declared free, either by the governor and council of this province, pursuant to any act of this province, or by their respective masters and owners, and also excepting all such as can prove that they ought not to be sold for slaves."

Every person finding a slave abroad without a pass was to arrest him if possible, and punish him on the spot by "moderate chastisement," under a penalty of twenty shillings for neglecting it. All negro houses were to be searched once a fortnight for arms and stolen goods. A slave guilty of petty larceny, for the first offense was to be "publicly and severely whipped;" for the second offense was to have "one of his ears cut off," or "be branded in the forehead with a hot iron, that the mark

thereof may remain;" for the third offense was to "have his nose slit;" for the fourth offense was "to suffer death, or other punishment," at the discretion of the court. Any justice of the peace, on complaint against any slave for any crime, from "chicken stealing" up to "insurrection" and "murder," was to issue his warrant for the slave's arrest, and, if the accusation seemed to be well founded, was to associate with himself another justice, they two to summon in three freeholders. The five together, or, by an additional act, the majority of them, satisfactory evidence of guilt appearing, were to sentence the culprit to death, or such lesser punishment as the offense might seem to deserve. In case of lesser punishment, "no particular law directing such punishment" was necessary. In case of death, "the kind of death" was left to "the judgment and discretion" of the court, execution to be forthwith done on their sole warrant, the owner to be indemnified at the public charge. This summary form of procedure in the trial of slaves remains in force in South Carolina to this day, and a very similar form was also adopted, and still prevails, in North Carolina.

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He who enticed a slave, "by specious pretense of promising freedom in another country," or otherwise, to leave the province, if successful, or if caught in the act, was to suffer death; and the same extreme penalty was to be inflicted on slaves "running away with intent to get out of the province." Any slave running away for twenty days at once, for the first offense was to be "severely and publicly whipped." In case the master neglected to inflict this punishment, any justice might order it to be inflicted by the constable, at the master's expense. For the second offense the runaway was to be branded with the letter R on the right cheek. If the

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master omitted it, he was to forfeit £10, and any justice of the peace might order the branding done. For the third offense, the runaway, if absent thirty days, was to be whipped, and have one of his ears cut off; the master neglecting to do it to forfeit £20; any justice, on complaint, to order it done as before. For the fourth offense, the runaway, "if a man, was to be gelt," to be paid for by the province if he died under the operation; if a woman, she was to be severely whipped, branded on the left cheek with the letter R, and her left ear cut off. Any master neglecting for twenty days to inflict these atrocious cruelties, was to forfeit his property in the slave to any informer who might complain of him within six months. Any captain or commander of a company, "on notice of the haunt, residence, and hiding place of any runaway slaves," was "to pursue, apprehend, and take them, either alive or dead," being in either case entitled to a premium of from two to four pounds for each slave. All persons wounded or disabled on such expeditions were to be compensated by the public. If any slave under punishment "shall suffer in life or member, which," says the act, "seldom happens, no person whatsoever shall be liable to any penalty therefor." Any person killing his slave out of "wantonness," "bloody-mindedness," or "cruel intention," was to forfeit "fifty pounds current money," or, if the slave belonged to another person, twenty-five pounds to the public, and the slave's value to the owner. No master was to allow his slaves to hire their own time, or, by a supplementary act two years after, "to plant for themselves any corn, pease, or rice, or to keep any stock of hogs, cattle, or horses."

"Since charity and the Christian religion which we profess," says the concluding section of this remarkable

act, "obliges us to wish well to the souls of men, and that religion may not be made a pretense to alter any man's property and right, and that no person may neglect to baptize their negroes or slaves for fear that thereby they should be manumitted and set free," "it shall be and is hereby declared lawful for any negro or Indian slave, or any other slave or slaves whatsoever, to receive and profess the Christian faith, and to be thereunto baptized; but, notwithstanding such slave or slaves shall receive or profess the Christian religion, and be baptized, he or they shall not thereby be manumitted or set free." CHAPTER XXII. 1712.

South Carolina, it thus appears, assumed at the beginning the same bad pre-eminence on the subject of slave legislation which she still maintains. Then, however, as now, the legality of her legislation seems open to some question. The charter of Carolina expressly provided that the acts of the colonial Assembly should not be repugnant to the law of England. The South Carolina Assembly seemed inclined, however, to put a reverse sense on this restriction. Another act of the same year recognizes indeed the binding force of the common law as modified by certain specified English statutes in amendment of it, but only when "not inconsistent with the particular constitutions, customs, and laws of this province."

The naval force maintained for the protection of the colonial trade cost the mother country annually near half a million of pounds sterling, or upward of two millions of dollars. The war had been glorious, but the nation was overwhelmed with taxes, and the Tory ministry, intent on peace, would listen to no more schemes for the conquest of Canada. The treaty of Utrecht presently terminated a contest of which the burden is still felt in fifty millions, $240,000,000, of the English na-

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tional debt. This peace was stigmatized by the Whigs as sacrificing the fruits of many victories. So far, however, as America was concerned, it was a great advance on the treaty of Ryswick. The fur trade of Hudson Bay, the whole of Newfoundland—reserving to the French a certain participation in the fisheries—the French part of the Island of St. Kitt's, in the West Indies, and Acadie "according to its ancient limits," were yielded to the English, whose sovereignty over the Five Nations was also incidentally acknowledged. What the English merchants esteemed a far more valuable concession was the transfer to the English South Sea Company of a contract for the annual transportation to Spanish America of not less than four thousand eight hundred negroes, known as the Assiento, originally entered into, shortly after the accession of the Bourbon dynasty, with a company of French merchants. The territory on the Bay of Fundy, ceded by France, was erected into a new province, for which the old name of Nova Scotia was revived. In that part of Massachusetts east of the Piscataqua, near a third of the inhabitants had been slain Of the once flourishing settlements on that coast, only three survived the war. But the Eastern Indians, weary of a contest in which they too had severely suffered, were induced to make peace.

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1715. May. While New England thus at last obtained rest, South Carolina was made to feel, in her turn, the miseries of Indian warfare. Those who had provoked this outbreak wished to ascribe it to French and Spanish instigation; but Spotswood let the Board of Trade into the secret when he stated "that the Indians never break with the English without gross provocation from the persons trading with them." The Yamassees along the north bank of the Savannah were the first to commence hostilities.

They were soon joined by the Catawbas, the Cherokees, and the Creeks, all of them late allies of the Carolinians in the war against the Tuscaroras. The outer settlements were broken up, the planters being driven on all sides into Charleston. Governor Craven proclaimed martial law; and to prevent either men or provisions from leaving the colony, laid an embargo on all shipping. To furnish means in this emergency, the Assembly issued new bills of credit. Military stores were sent from New York and Virginia by Hunter and Spotswood. The New York Assembly declined to grant assistance, as from Carolina they had never received any; nor could Hunter engage the Five Nations in the quarrel. Virginia voted a small sum; and Spotswood sent a ship of war to Charleston with a force of a hundred and fifteen volunteers and thirty tributary Indians. North Carolina, grateful for recent assistance, did what she could. The proprietaries contributed the produce of their quit-rents. On the petition of the London merchants, the Commons addressed the crown to send supplies of arms and stores. Troops might also have been sent but for the Scottish rebellion in favor of the exiled Stuarts, which alarmed at that moment the ministers of the new dynasty.

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Having mustered the militia, and armed such of the slaves as could be trusted, Craven marched to meet the enemy. Defeated and discouraged, the Yamassees retired to Florida, and in the course of a year or two the other tribes consented to a peace. The damages inflicted by this war were estimated at £100,000, besides a debt, in bills of credit, of nearly equal amount.

In the quarter of a century from the English Revolution to the accession of the house of Hanover, the population of the English colonies had doubled. The follow-

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ing table, compiled for the use of the Board of Trade, though probably somewhat short of the truth, will serve to exhibit its distribution:

1715.

	Whites.	Negroes.	Total.
New Hampshire	9,500	150	9,650
Massachusetts	94,000	2,000	96,000
Rhode Island	8,500	500	9,000
Connecticut	46,000	1,500	47,000
New York	27,000	4,000	31,000
New Jersey	21,000	1,500	22,500
Pennsylvania and Delaware	43,300	2,500	45,800
Maryland	40,700	9,500	50,200
Virginia	72,000	23,000	95,000
North Carolina	7,500	3,700	11,200
South Carolina	6,250	10,500	16,750
	375,750	58,850	434,600

Massachusetts, in addition to the numbers above stated, also contained twelve hundred subject Indians. The immigration into the colonies during these twenty-five years had been inconsiderable, consisting principally of negro slaves, and of Irish and German indented servants. The great majority of the present inhabitants were natives of America.

The late war, like its predecessor, had left a disagreeable residuum behind it in the numerous privateersmen, who sought to supply the occupation of which the peace had deprived them by the equally honest but less lawful trade of piracy. The American seas again swarmed with freebooters, who made their head-quarters among the Bahama Islands, or lurked along the unfrequented coast of the Carolinas. Bellamy, one of the most noted
1717. of their number, was wrecked on Cape Cod, where he perished with a hundred of his men. Only five or six escaped to the shore, and they were made prisoners and hung at Boston. John Theach, another pirate not less notorious, commonly known as "Blackbeard," was ac-

customed to lurk about Pamlico River, with the connivance, there was reason to believe, of Knight, secretary of North Carolina and collector at Pamlico. Even Governor Eden, the successor of Hyde, was thought to have some connection with the matter. Theach at first took advantage of a royal proclamation offering pardon to all submitting pirates; but, as he soon resumed his old employment, the Assembly of Virginia offered a reward for his capture. He was presently taken, after a desperate resistance, by two ships which Spotswood dispatched from the Chesapeake. 1717.

A force sent from England took possession of New Providence, the chief harbor of the Bahamas, built fortifications, and established a regular colony, the first permanent occupation of that barren group. A desperate party of pirates, led by Steed Bonnet, who had been a lieutenant in the British army, sought refuge on the uninhabited coast about Cape Fear. By an expedition against them, fitted out at Charleston, at an expense to the province of £10,000, Bonnet was taken, and, with forty or more of his accomplices, was tried, found guilty, and executed. Having lost that colonial sympathy they formerly enjoyed, the pirates were now diligently followed up. Twenty-six, including natives of Rhode Island, Connecticut, New York, and Virginia, were executed at once by sentence of a commission of Admiralty in session at Newport. Thus vigorously attacked, piracy soon disappeared from the American seas. 1718. 1723.

CHAPTER XXIII.

PROGRESS OF LOUISIANA. REIGN OF GEORGE I. PAPER MONEY SCHEMES.

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TO promote the more rapid settlement of Louisiana, which at the end of twelve years numbered hardly three hundred inhabitants, the whole province, with a monop-
1712. oly of trade, had been granted, pending the late war, to Anthony Crozat, a wealthy French merchant, who flattered himself with profits to be derived from the discovery of mines, and the opening of a trade with Mexico. Crozat contracted, on his part, to send every year two ships from France with goods and immigrants. He was to be entitled, also, to import an annual cargo of slaves from Africa, notwithstanding the monopoly of that trade in the hands of a special company. The French government agreed to pay annually 50,000 livres, $10,000, toward supporting the civil and military establishments.
1714. Under these new auspices, a trading house was established far up the Alabama, near the present site of
1716. Montgomery, and another at Natchitoches, on the Red River. Fort Rosalie was built on the site of *Natchez*, and presently a town began to grow up about it—the oldest on the Lower Mississippi.

Crozat made strenuous efforts to open a trade with Mexico. His agents traversed the wilds of Texas, and reached the Spanish settlements on the Lower Rio Grande; but they were arrested there, and sent into the interior The intercourse by sea, allowed during the war, was prohibited after the peace; and a vessel which Crozat dis

patched to Vera Cruz was obliged to return without starting her cargo. As yet, Spain had relaxed little or nothing of her jealous colonial policy.

After five years of large outlay and small returns, 1717. Crozat was glad to resign his patent. Other speculators, still more sanguine, were found to fill his place. The exclusive commerce of Louisiana for twenty-five years, with extensive powers of government and a monopoly of the Canadian fur trade, was bestowed on the Company of the West, otherwise called the Mississippi Company, known presently, also, as the Company of the Indies, and notorious for the stock-jobbing and bubble hopes of profit to which it gave rise. At the date of this transfer the colony contained, soldiers included, about seven hundred people. The Mississippi Company undertook to introduce six thousand whites, and half as many negroes; and their connection with Law's Royal Bank, and the great rise in the price of shares, of which new ones were constantly created, gave them, for a time, unlimited command of funds. Private individuals, to whom grants of land were made, also sent out colonists on their own account. Law received twelve miles square on the Arkansas, which he undertook to settle with fifteen hundred Germans.

Bienville, reappointed governor, intending to found a 1718. town on the river, set a party of convicts to clear up a swamp, the site of the present city of NEW ORLEANS. At the end of three years, when Charlevoix saw it, the ris- 1722. ing city could boast a large wooden warehouse, a shed Jan. for a church, two or three ordinary houses, and a quantity of huts crowded together without much order. The prospect did not seem very encouraging; yet, in "this savage and desert place, as yet almost entirely covered with canes and trees," that hopeful and intelligent Jesuit

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could see "what was one day to become, perhaps, too, at no distant day, an opulent city, the metropolis of a great and rich colony." Bienville, equally hopeful, presently removed thither the seat of government.

1719. During the rupture between France and Spain, occasioned by the intrigues of Alberoni, Pensacola twice fell
1721. into the hands of the French, but after the peace reverted
1722. again to its former owners. A new attempt to plant a settlement near Matagorda Bay was defeated by the hostility of the natives. The Spaniards, alarmed at this encroaching spirit, now first established military posts in Texas.

The disastrous failure of Law's Royal Bank, and the great depreciation in the company's stock, put a sudden period to immigration. But already there were several thousand inhabitants in Louisiana, and the colony might be considered as firmly established. It still remained, however, dependent for provisions on France and St. Domingo; and the hopes of profit, so confidently indulged by the projectors, proved a total failure. Agriculture in this new region was an expensive and uncertain adventure. Annual floods inundated the whole neighborhood of the Lower Mississippi, except only a narrow strip on the immediate river bank; and even that was not entirely safe unless protected by a levee or raised dike. The unhealthiness of the climate presented a serious obstacle to the progress of the colony. The unfitness of the colonists was another difficulty. Many of them were transported convicts or vagabonds, collected from the public highways. But these proved so unprofitable that their further importation was forbidden. The chief reliance for agricultural operations was on the labor of slaves imported from Africa. Law's German settlers on the Arkansas, finding themselves abandoned, came

down to New Orleans, received allotments on both sides the river, some twenty miles above the city, and settled there in cottage farms, raising vegetables for the supply of the town and the soldiers. Thus began the settlement of that rich tract still known as the "German coast." CHAPTER XXIII. 1722.

The lower part of the province was under the ecclesiastical care of the Capuchins, who had a convent at New Orleans, and who acted as curates of that and the neighboring parishes. The upper and more remote parts were under the charge of the Jesuits, who agreed to keep at least fourteen priests in the province. They had a plantation and a house at New Orleans, but could perform no ecclesiastical functions there without license from the Capuchins. The priests of both orders received from the company annual salaries of 600 livres, $133, with an addition of one third during the first five years, and an outfit of 450 livres. A convent of Ursuline nuns was also established in New Orleans for the care of the hospital and the education of girls. 1724.

Six hundred and fifty French troops and two hundred Swiss were maintained in the province. The administration was intrusted to a commandant general, two king's lieutenants, a senior counselor, three other counselors, an attorney general, and a clerk. These, with such directors of the company as might be in the province, composed the Superior Council, of which the senior counselor acted as president. This council, besides its executive functions, was the supreme tribunal in civil and criminal matters. Local tribunals were composed of a director or agent of the company, to whom were added two of the most notable inhabitants in civil, and four in criminal cases.

Rice was the principal crop, the main resource for feeding the population. To this were added tobacco and

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indigo. The bayberry, a natural production of that region, as of most parts of the United States, was cultivated for its wax. The fig had been introduced from Provence, and the orange from St. Domingo. Grants of land were made of so many arpents or acres front, running back for depth. As the settlements in the Illinois country were increased by immigration from Canada, supplies of flour began to be received from that region.

1724.

1714. Aug. The accession of the house of Hanover to the throne of Britain and Ireland was hailed throughout the British American colonies as a Whig and Protestant triumph, the final death-blow to the Tory and High Church doctrine of the divine right of kings. The Board of Trade, reduced by the new ministers to a subordinate position, became henceforth a mere committee for reference and report—a dependency upon the secretaryship of state for what was then called the Southern Department. Exercised for successive short periods by Stanhope, Methuen, Addison, Craggs, and Carteret, this office passed presently to the Duke of Newcastle, by whom it was held for a quarter of a century.

Not less annoyed than their predecessors by obstacles which the colonial charters interposed to the full exercise

1715. of metropolitan authority, the new ministry brought forward a new bill "for regulating the chartered governments." Such was the show of opposition that this bill was speedily dropped. Orders, however, were transmitted to all the colonial governors not to consent to any laws which might affect British trade, unless with clauses suspending their operation till they received the royal assent. In Rhode Island, Connecticut, and the two Carolinas, the royal assent was not necessary to the enactment of laws; and hence the disposition, so repeatedly exhibited, to strip those provinces of their charters. So

far as the Carolinas were concerned, the state of discord between the proprietors and the colonists soon furnished opportunity for carrying out the ministerial wishes; and those wishes served to justify a course of conduct on the part of the colonists which otherwise might have proved very dangerous to those implicated in it. 1715.

When the Carolina proprietaries had formerly attempted to establish the counties as election districts for their southern province, instead of having the whole Assembly chosen at a general meeting of the freemen at Charleston, they had been opposed and defeated by the colonists. But opinions, or rather interests, had changed; and under the temporary administration of Robert Daniel, to whom, after the repulse of the Indians, Craven had relinquished the government, the parishes were converted by act into election districts, among which the thirty-six members of Assembly were distributed, the elections to be held at the parish churches. 1716.

The Assembly chosen under this act, without stopping to ask the consent of the proprietaries, offered the lands from which the Indians had lately been driven to such settlers as would undertake to defend them. Five hundred Irish accepted grants on these terms; but the proprietaries refused to ratify the offer, and ordered the conquered lands to be surveyed into baronies for themselves.

South Carolina had been the first to introduce a modification of the paper money system, afterward extensively adopted in New England and the middle colonies, by which bills of credit were issued, not merely as a financial expedient, but as a contrivance for the advancement of trade. The first issue of this sort was a "bank," or stock of £48,000, lent out to individuals, to be repaid by annual installments. Other bills had been is- 1712.

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sued to pay the expenses of the late Indian war; and, owing to excessive issue and other causes, the whole
1716. paper, though declared a legal tender, was so depreciated as to pass at the rate of seven for one. Undeterred by this great depreciation, the Assembly issued a new "bank," or stock of £30,000, to be lent out to individuals. Toward the redemption of the outstanding bills, they levied duties of ten per cent. on the importation of British goods. The British merchants denounced this act to the Board of Trade, and the proprietaries, threatened with the loss of their charter, were obliged to disallow it. This disallowance enraged the colonists. They
1717. applied for redress, first to the king, and then to Parliament, complaining of the cost of the Indian war, not yet entirely concluded; of the unwillingness or inability of the proprietaries to defend them; and their certain ruin unless Parliament, "by proper methods, placed the province under the immediate protection of the king."

The administration of the colony had passed to Robert Johnson, son of Sir Nathaniel Johnson, the former governor, to whom the proprietaries sent out their dissent to various laws, and especially to the recent act for election districts, under which the existing Assembly had
1718. been chosen. In the present excited state of the colony, the governor judged it best to keep his instructions to himself; but they presently leaked out. The Assembly, highly excited, assumed the position that acts once approved by the governor could not afterward be set aside by the proprietaries, since their approbation was included in his—a doctrine established in Pennsylvania as the constitutional law of that province.

Trott, the chief justice, once an active popular leader, but since his appointment to office a zealous partisan of the proprietaries, undertook to controvert this doc-

trine. The Assembly replied to him by an impeachment for malversations in office. Even the council concurred in this proceeding; and one of their number was sent to England to represent matters to the proprietaries, and to request the removal of Trott. During this interval, Johnson, assisted by Rhett, the receiver general, and supported by the Assembly, effected the capture of Bonnet and his gang of pirates at the mouth of the Cape Fear River, as related in the previous chapter.

1718.

The proprietaries saw in the late proceedings an "industrious searching for causes of dissatisfaction and grounds of quarrel, with a view to shake off their authority." Three of the counselors were dismissed, and several new ones added, the number being raised from seven to twelve. The governor was reprimanded for not having obeyed his former instructions, and was ordered at once to dissolve the present illegal Assembly, and to call a new one, to be elected under the old law.

1719.

When these orders became known in the colony, excitement rose to a high pitch. Johnson saw the danger, but he obeyed. His influence, however, and that of Trott and Rhett, was completely swept away. The newly-chosen representatives refused to acknowledge the new council, and, declining to act as an Assembly, assumed the character of a revolutionary Convention. They declared that the proprietaries, by their late proceedings, had forfeited their rights in the province; and requested Johnson to undertake the administration in the king's name. When he declined to do so, they directed all public officers to obey their orders only.

Nov.

Dec.

A rupture having lately taken place between the Spanish and English governments, a fleet was fitting out at the Havana for an attack on New Providence and Carolina. An association for common defense, both

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against the Spaniards and the proprietaries, was drawn up, and signed by most of the colonists. The convention then assumed the character of an Assembly. James Moore, one of their most active leaders, commander formerly in the Tuscarora war, was appointed to govern the colony in the king's name, and a new council of twelve members was constituted, of which Sir Hovenden Walker, the naval commander in the unsuccessful enterprise against Quebec, but since the peace a planter in South Carolina, was made president. To the new chief justice, as well as to the governor, salaries were voted twice as large as those formerly given. Vigorous measures were taken for defense against the Spaniards; but that danger was soon over. The attack on New Providence failed, and the Spanish fleet was soon after dispersed in a storm. Johnson induced the commanders of some ships of war in the harbor to threaten Charleston with a bombardment. But the insurgents were inflexible, and the deposed governor abandoned all attempts to recover his authority.

1719.

1720. An agent, sent to England on behalf of the colonists, pleaded "the confused, negligent, and helpless government of the proprietaries," and the danger the colony was in of falling into the hands of the Spaniards. These complaints were made to willing ears. The bill of five years before, for regulating the chartered governments, was again introduced into Parliament, but it met again with determined opposition. It was on this occasion that Jeremiah Dummer, agent for Connecticut and Massachusetts, published his "Defense of the New England Charters." The bill was again abandoned, but legal process was ordered to issue for vacating the Carolina charter; and, pending this process, the administration of South Carolina was assumed by the crown.

Francis Nicholson, now Sir Francis, busy on the colo- CHAPTER XXIII.
nial stage for thirty years preceding, was sent to South
Carolina as provisional royal governor. Always arbi- 1721.
trary in his principles and temper, Nicholson was now old and peevish; but he was poor, and he had learned by experience the necessity of a certain accommodation to the wishes of the colonists. Having been "falsely sworn out of Virginia, and lied out of Nova Scotia"—at least so he represented—he resolved to make matters easy in Carolina. Authorized to appoint the members of his council and all other officers, he courted the favor of the late insurgents. Middleton, who, as speaker, had defied Governor Johnson, was made president of the council; and Allen, the leader in the impeachment of the late chief justice, was appointed to fill his place.

Nicholson called an Assembly, which confirmed all the Sept.
late revolutionary proceedings, discharged all suits for alleged wrongs during the late disturbances, regulated the administration of justice, reduced official fees, and established that system of local elections, the rejection of which by the proprietaries had been the immediate cause of the late revolt. They granted, also, a revenue, produced by an impost on liquors and other goods and slaves imported, but they intrusted it to a treasurer of their own appointment, and they declined to vote salaries except from year to year.

To "make the people respect the government," Nicholson had brought with him an independent company, maintained, like those of New York, at the expense of the crown. This company was presently stationed on the Altamaha, as an outpost against the Spaniards. The recent withdrawal of the Yamassees and Catawbas left the lower country of South Carolina free of Indian population. Nicholson took care to renew the former friend-

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ly relations with the more distant and powerful Cherokees. By an arrangement with the Creeks, the Savan-

1721. nah was fixed as their eastern boundary, with permission, however, to the English to maintain the post above-mentioned on the Altamaha.

1722 Dec. At the next session a bill was introduced for adding £120,000 to the paper money of the colony. Twenty-eight of the principal traders of Charleston remonstrated against this emission, and in a petition on the subject which they presented to Nicholson, alleged as the chief cause of the present excessive depreciation "that every legislative engagement for recalling the various emissions of bills had been broken through by every Assembly." Provoked at this plain statement of unpalatable truth, the Assembly pronounced the merchants' petition "a false and scandalous libel," and committed the petitioners to prison for breach of privilege. Neither the governor nor the council dared to interfere, and the prisoners were only discharged upon confessing their fault, and paying a large sum in the name of fees. The bill for the new emission of paper, though passed by the Assembly, was disallowed in England, and instructions were sent to Nicholson to consent to no new law for creating a further paper currency, nor to any act for diverting the sinking funds already established. The Assembly used every art to induce the governor to disregard these orders. But, anxious as he was to please, the risk of removal was more than he dared encounter. As no more paper money could be had, a law was passed making rice, at certain fixed rates, a legal tender in payment of debts.

The Assembly showed its dissatisfaction by stickling

1724. for privileges, and the governor found occasion to lament the daily growth of the "spirit of commonwealth max-

ims both in church and state," partly, as he supposed, "by the influence of the New Englanders," who carried on a brisk trade with Charleston. Nicholson, however, on his departure for England, received a vote of thanks from the Assembly. He left the administration to Middleton, president of the council. 1724. 1725.

The circulating paper, already reduced to £87,000, was likely soon to be entirely paid off. Apprehending a scarcity of money, the Assembly tacked a clause to the annual revenue bill stopping the withdrawal of the paper. The council proposed to strike out this provision; but the Assembly denied their right to amend money bills, and the only option left them was a failure of supplies, or a breach of the royal instructions. This policy was followed up the next year by a bill for the issue of additional paper, which, however, the council refused to pass. In consequence of this refusal, an association was entered into by the planters not to pay taxes, under pretense of inability to do so, unless aided by the issue of paper. Smith, a counselor conspicuous in this association, was arrested and imprisoned. Chief-justice Allen having denied him a writ of habeas corpus, on the ground that his offense amounted to treason, and was not bailable, two hundred and fifty armed horsemen entered Charleston from the country, and compelled his liberation. They presented, at the same time, a statement of grievances, including the council, the law, the chief justice, the lawyers, public ruin, and individual distress. To appease them, the council consented to call a special session of the Assembly. The Assembly impeached the chief justice, involved themselves in a violent quarrel with the council, adjourned on their own authority, and when presently again summoned, refused to attend. The counselors, in despair, represented to the Duke of New-

Dec. 1726. Dec. 1727. April. Aug.

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castle that "the government was reduced to the lowest extremity," that "the royal prerogative was openly trampled on," and the commander-in-chief and the council insulted "by the delegates within doors and the tumult without."

1728. Dec.

In that rebellion which wrenched South Carolina from the hands of the proprietaries, the northern province did not join; and, pending the proceedings against the Carolina charter, it still continued under proprietary governors. Eden, suspected of conniving at pirates, as mentioned in the previous chapter, was succeeded by Burrington, whose "misdeeds and extravagance" soon caused his removal. The office was then given to Sir Richard Everard, in corruption and weakness a match for Eden and Burrington. It was during Eden's administration, at "a general biennial Assembly, held at the house of Captain Richard Sanderson, at Little River," that the earliest extant laws of North Carolina were enacted. The enacting style is, "By his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the advice and consent of the present General Assembly for the northeast part of the said province." The previous legislation of the province was revised, and all laws not specially re-enacted were repealed. Queen Anne had died fifteen months before the meeting of this Assembly, but, to judge from one of their acts quoted below, that fact was not yet known in North Carolina.

1723. 1725. 1715. Nov.

Among the laws contained in this revisal were "an act for the better observing the Lord's day, and also for suppressing profaneness, immorality, and divers other vicious and enormous sins;" "an act for establishing the church, and appointing select vestries;" "an act for liberty of conscience, and that the solemn affirmation of

the people called Quakers shall be accepted instead of an oath;" and an act reciting "that the laws of England are the laws of this government," and enacting that "the common law is and shall be in force," "except what relates to the practice of courts," as to which rules were to be framed, to be approved by the governor and council, and to continue valid till set aside by the Assembly. All English statutes were also declared to be in force, "although this province or the plantations in general are not therein named," made for maintaining the queen's royal prerogative, and her personal security and rights to the crown; also all statutes for the establishment of the church, the toleration of Protestant dissenters, the privileges of the people, the security of trade, limitation of actions, preventing immorality and fraud, and confirming inheritances and titles to land. The Assembly, however, seem to have claimed a joint right of legislation on these subjects. By a limitation act of their own, seven years' possession of land barred the right of entry.

CHAPTER XXIII. 1715

The issue of depreciated paper bills as an expedient for the relief of pecuniary distress entered largely into colonial politics in New England as well as in South Carolina. We have seen how the exigencies of the late war, especially the futile expeditions for the conquest of Canada, had occasioned in the six northern colonies repeated issues of bills of credit. The promptitude necessary in getting up those expeditions made it impossible to wait for the collection of taxes, while the scarcity of capital made it difficult, if not impracticable, to borrow money in the usual way. Bills of credit, declared a legal tender in all payments, served the purposes of a forced loan, without encountering the same obstacles, or exciting the same clamor. Even their depreciation tend-

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ed to make them popular; for debtors, always a large class, especially in a new country, were thus enabled to
1715. discharge their debts at a discount, while a rise of prices in proportion to the depreciation gave a fallacious appearance of general prosperity. The scarcity of money, in other words, the appreciation of the currency, caused by the rapid diminution of the circulating paper, paid off after the peace by the taxes imposed to redeem it, was represented as a public calamity; for which, in Massachusetts, a remedy was sought in that same paper money loan system already introduced into South Carolina—a system neither more nor less than a contrivance for raising out of the public at large a fund to be lent out as a trading capital to the more active and adventurous
1714. members of the community. Thus commenced a scheme of policy, under one shape or another indefatigably advocated from that day to this—a scheme devised and sustained by those active business men, as they are called, who strive to make the capital of the rich and the labor of the poor alike subservient to their plans of profit—a class numerically small, but whose superior activity and sagacity have given them always a decided and generally a controlling weight in our public affairs.

There was very general agreement in Massachusetts in favor of the loan system, but a difference arose as to the precise method of carrying it out. The more adventurous speculators proposed a private bank, to be incorporated by the General Court, to issue bills on its own responsibility. Others, who preferred the indorsement of the colony, proposed to issue colony bills as heretofore, to be lent on landed security for a term of years; the interest and five per cent. of the principal to be paid annually. Thus, in twenty years, it was plausibly argued, the whole issue would be paid off, while the annual

interest might go in the mean time, in lieu of taxes, toward the current expenses of the province. A very small party of capitalists opposed all bills of credit, and argued in favor of a specie currency; but as the province was bent on paper money of some sort, they supported the provincial issue, called the public bank, as the lesser evil of the two. Dudley, who had grown of late years less excessively unpopular, at least among the wealthier class, adopted that side. After a violent struggle between the two parties in the General Court, the public bank prevailed; and £50,000 in provincial bills of credit were issued on that scheme, and distributed among the counties in the ratio of their taxes, to be put into the hands of trustees, and lent out, in sums from £50 to £500, on mortgages, reimbursible in five annual installments. CHAPTER XXIII. 1714

Thus disappointed in their projects, the party of the private bank exerted themselves, and not without success, for the removal of Dudley, whose interest in England had been greatly diminished by the total change of ministry consequent upon the accession of the new dynasty. General Stanhope, the new secretary of state, gave the government of Massachusetts to Colonel Burgess, "a necessitous person," a late fellow-soldier of Stanhope's, whose loose manners would hardly have suited the taste of New England. It was thought also that, being poor, he would favor the party of the private bank. Such, in fact, was the inclination of William Tailer, appointed lieutenant governor at the same time, and who held for a few months the administration of the province. Jonathan Belcher, whose grandfather, one of the earliest immigrants, had been a petty inn-keeper at Cambridge, but whose father, a ship-master at the time of Philip's war, had acquired a large fortune by trade, happened

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then to be in London, returning from his travels on the Continent. Being a warm opponent of the private bank, in conjunction with Dummer, the agent, he advanced £1000 to induce Burgess to relinquish his appointment in favor of Samuel Shute.

1714.

Shute's brother, afterward Lord Barrington, was the parliamentary champion of the dissenting interest. Shute himself, like Burgess, was a colonel in the army, in which capacity he had seen service; a frank, honest man, but indolent, irritable, and without any of that cool self-possession and talent for intrigue for which Dudley was so distinguished—accomplishments almost essential for a successful provincial governor. Lieutenant-governor Tailer was also superseded, that post being secured for William Dummer, a cousin of the agent. On Shute's arrival in Massachusetts, he threw himself without reserve into the arms of the party of the public bank, and became, in consequence, very obnoxious to the other party, disappointed at gaining nothing by the change. In hopes to stop the clamor about the decay of trade and the scarcity of money, complaints which Shute himself re-echoed in his inaugural speech, an additional £100,000 of paper was issued, to be distributed among the counties, and let out on loan as before. These bills soon depreciated, and Shute became urgent with the General Court to devise some means for restoring their value. But exhortations on that head were very coldly received. Additional issues of paper continued the favorite panacea for a pecuniary pressure, which elicited loud complaints—a pressure, it would seem, real enough, originating in the stoppage of that demand for provisions to supply the fleets and armies formerly kept up in the American seas, a source, during the late war, of large profits to New England and

1716. Oct.

the middle colonies. Among other measures of relief, the General Court, like the Carolina Assembly, resorted to the old plan of allowing taxes to be paid in certain articles of country produce at fixed rates. So far was the issue of paper pushed, that £500 were put out in "pennies, twopences, and threepences," stamped on parchment, the first round, the second square, the third "six angular." Rhode Island contributed her share toward the relief of commercial distress, in a paper money "bank," or stock of £40,000, to be lent out to the inhabitants, the interest payable in hemp or flax, upon the production of which increased bounties had just been offered in an amended act of Parliament for encouraging the production of naval stores in America. CHAPTER XXIII. 1720. 1721.

The narrow mercantile jealousy of the mother country had just been manifested in a resolution of the House of Commons, "that the erection of manufactories in the colonies tended to lessen their dependency on Great Britain." Into the bill for increasing and regulating the bounties on colonial naval stores, the British iron-masters procured the insertion of a clause to prohibit the production of iron in the colonies. But remonstrances were made by the colonial agents, and this clause was dropped. New England had already six furnaces and nineteen forges. The product of iron was still more active in Pennsylvania, whence a supply was furnished to the other colonies. The ship-carpenters in the Thames complained "that their trade was hurt, and their workmen emigrated, since so many vessels were built in New England." But the Board of Trade despaired of a remedy, since it would hardly do to prohibit the building of ships by the colonists. 1719 1721. 1724

Meanwhile a warm quarrel had arisen between Bridger, the king's surveyor of the woods, and the people of Maine, 1717.

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as to the property of the pine-trees in that province, all of which, fit for masts, growing on any uninclosed land,

1717. were claimed as the king's, under a clause in the charter and the acts of Parliament already mentioned. Elisha Cooke, a member of the council, son of the former popular leader of that name, and a successor to his political influence, espoused the cause of the woodsmen. He maintained that within the limits of Gorges's ancient province, as purchased by Massachusetts, the property of the pine-trees belonged, not to the king, but to the

1718. inhabitants in common. On Shute's rejection of Cooke as a counselor, the House took up the quarrel, and, in

1719. reply to a speech of Shute's on the subject, sent in an answer, or remonstrance, in which they charged Bridger with gross malpractices in office. The governor requested them not to print that paper, and when they insisted on doing so, he told them that he had the power over the press, and would prevent it. He alluded to a clause in his instructions, continued since the time of Andros, by which the governor was charged to allow no printing without his special license. Upon the strength of this instruction, Shute wished to prosecute the printers, but the attorney general, when he came to frame an indictment, could find no law for it; and the Board of Trade, when applied to for advice, returned no answer. Such was the commencement of free printing in Massachusetts. The ice thus broken, pamphlets began to issue from the press, especially on the paper money controversy; but this liberty, as we shall soon see, was by no means yet very perfect.

1720. The next year the House chose Cooke for their speaker.

May. The governor rejected him; and when the House disputed his right upon that point, he dissolved the court. A

July new court was immediately called, and, not to interrupt

the public business, another speaker was chosen; but the governor and the House were mutually imbittered, and the question of right remained undecided. CHAPTER XXIII. 1720.

Pending this quarrel with the governor, difficulties began to arise on the eastern frontier. In conformity with the treaty of Utrecht, the French had withdrawn from the peninsula of Nova Scotia into the island of St. John's, and especially of Cape Breton, where presently they began to build the formidable fortress of Louisburg, overlooking not only the entrance of the Gulf of St. Lawrence, but the coasts, also, of Nova Scotia and New England. Soon, however, a dispute arose as to the extent of Acadie, as ceded by the recent treaty. According to the French, this cession included only the peninsula now known as the British province of Nova Scotia. The whole country along the north shore of the Bay of Fundy as far west as the Kennebec, if not, in fact, a part of Canada, was claimed at least as the territory of the independent tribes who possessed it. The Jesuit mission, still kept up on the Penobscot, and especially Father Rasles and his village of Norridgewocks, on the Upper Kennebec, were objects of great jealousy in Massachusetts. Shortly after Shute's arrival he had held a conference with these eastern tribes, who could muster about five hundred warriors. Constant encroachments on their lands kept them in very bad humor, and soon led to retaliations on their part. On the part of the colonists there was a strong disposition for war; but the governor was reluctant, and hence a new subject of quarrels.

Matters were not at all mollified at the next General Court. Already, as a symptom of dissatisfaction, £100 had been curtailed from Shute's salary of £1200 in depreciating paper. The House now refused to vote any 1721. May.

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salary at all, either to him or the other officials, many of whom had seats in the council, unless the governor would first assent to certain bills and resolves which they were bent upon passing. Dummer, the agent in England, because he had advised more moderation of conduct, was abruptly dismissed from office. The House also adjourned for a week without asking the governor's consent, which he maintained they had no power to do under the charter, and he dissolved them in consequence.

1721.

Aug. A new Assembly immediately called yielded so far as to vote Shute £500 of the depreciated currency as half a year's salary, being a curtailment of another £100; and after a session passed in disputes, the governor and council were at length induced to agree to a secret expedition for seizing Rasles, accused of stimulating the Eastern Indians to hostility.

Nov. An adjourned session was interrupted by the small-pox, which, after an interval of twenty years, had broken out in Boston, and occasioned the greatest alarm. In the published transactions of the Royal Society, of which he was a member, Cotton Mather had seen some letters from Turkey, giving an account of the practice there of communicating the small-pox by inoculation, thus enabling the patient to prepare for the disorder, and to go through it more safely than when taken in the natural way. With characteristic zeal and enthusiasm, Mather took hold of this idea; and having applied in vain to the three or four other medical practitioners of Boston, he at last prevailed on Zabdiel Boylston to try the experiment. A native of the colony, a man of skill and reputation in his profession, humane and courageous, Dr. Boylston commenced upon his own son. The first trials were successful; yet it required no little courage to go on. Inoculation was violently opposed by the other practition-

ers, headed by Dr. Douglas, a pragmatical Scotchman. CHAPTER XXIII.
Several pamphlets published on the subject prove, by the _____.
virulence of their style, the excitement of the disputants. 1721.
The new practice was denounced as an infusion of malignity into the blood; a species of poisoning; an interference with the prerogatives of Jehovah, whose right it was to wound and to heal; an attempt to thwart God, who sent the small-pox as a punishment for sins, and whose vengeance would thus be only provoked the more. Many "sober, pious people" thought that, if any of Boylston's patients should die, he ought to be treated as a murderer. An exasperated mob paraded the streets with halters in their hands, threatening to hang the inoculators. A lighted grenade, filled with combustibles, was thrown into Cotton Mather's house, into the very sick chamber of an inoculated patient.

Against superstition and prejudices thus inflamed by the members of a learned profession, which ought to take the lead in natural science, Cotton Mather made a noble stand, hardly to have been expected from one so active thirty years before in the witchcraft delusion. His venerable father, now very old, and the other ministers of Boston, sustained him; but their united influence could hardly stem the popular torrent. The selectmen took strong ground against inoculation: at the late session of the General Court, a bill had passed the House to prohibit the practice; but it was thrown out by the council. In the end the inoculators completely triumphed. The very same month in which Boylston and Mather commenced their experiments in Boston, inoculation was introduced into England by the witty and accomplished Lady Mary Wortley Montague, lately returned from a residence at Constantinople. The success of this practice soon silenced all opposition; and it continued in

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extensive use until superseded by the more brilliant discovery of Jenner. When Boylston visited England a few years after, he was received with distinguished attention, and elected a member of the Royal Society.

1722. Jan. The expedition against Norridgewock, which the governor had delayed, but afterward, on the remonstrance of the court, had sent forward, was not successful in seizing Rasles; but his papers, which fell into the hands of the assailants, who pillaged the church and the missionary's house, strengthened suspicions that the Indians were encouraged by Canadian support. The Indians

July. retorted the attack on Norridgewock by burning Brunswick, a new village recently established on the Androscoggin. The tribes of Nova Scotia also joined in the war. At the Gut of Canso they seized seventeen fishing vessels belonging to Massachusetts, several of which, however, were presently recovered, with severe loss to the Indian captors.

When the General Court came together, new disputes arose between the governor and the House as to the conduct of the war, of which the representatives sought to engross the entire management. Disgusted by the opposition of an Assembly "more fit," as he thought, "for the affairs of farming than for the duty of legislators," Shute had secretly obtained leave to return home; and,

Dec. without giving any intimation of his purposes, he suddenly left the province. The administration, by his departure, passed into the hands of Dummer, the lieutenant governor, who remained at the head of affairs for the next six years.

1723. The General Court soon accommodated with Dummer the quarrel which Shute had left on his hands. He yielded to some of their demands, and they abandoned others. The Indian war proved expensive and annoying,

and large issues of paper money became necessary to carry it on. CHAPTER XXIII.

Connecticut, applied to for aid against the Indians, professed scruples as to the justice of the war, and begged Massachusetts to take care lest innocent blood were shed. These scruples were presently quieted, and Connecticut furnished the quota asked for. Attempts repeatedly made to engage the assistance of the Mohawks were less successful. They not only refused to take up the hatchet, but, what was still more unpalatable, they advised Massachusetts, as a sure means of peace, to restore the Indian lands and prisoners. 1723.

The attacks of the Indians extended along the whole northern frontier as far west as Connecticut River. To cover the towns in that valley, Fort Dummer was presently erected, on the site of what is now *Brattleborough*, the oldest English settlement within the limits of the present state of VERMONT. 1724.

Having seized an armed schooner in one of the eastern harbors, a party of Indians cruised along the coast, and captured no less than seven vessels. It was deemed necessary to strike some decisive blow. Norridgewock was surprised by a second expedition; Rasles was slain, with some thirty of his Indian disciples; the sacred vessels and "the adorable body of Jesus Christ" were scoffingly profaned; the chapel was pillaged and burned, and the village broken up. August.

The premium on scalps was raised to £100, payable, however, in the depreciated currency. Lovewell, a noted partisan, surprised, near the head of Salmon Falls River, ten Indians asleep round a fire. He killed them all, and marched in triumph to Dover, with their scalps hooped and elevated on poles. In a second expedition he was less successful. Near the head of the Saco, on the mar- 1725. Feb. May.

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gin of a pond, he fell into an Indian ambush, and was slain at the first fire with eight of his men. The rest
1725. defended themselves bravely through a whole day's fight, repulsed the Indians, and made good their retreat.

Embassadors, meanwhile, were sent to Canada to remonstrate against the countenance given there to the hostile Indians; and an application was made to the king to compel the neighboring colonies and the Mohawks to join in the war. The Board of Trade inclined to favor this request; but already the Penobscots had proposed a peace, which the colonists were very glad to accept; and the Norridgewocks presently came into it. Judicious measures were taken to protect the Indians against the extortion and villainy of private traders by the establishment of public trading houses to supply them with goods at cost. By this means peace was preserved for many years, and the settlements in Maine and New Hampshire extended without interruption.

The degree of freedom which the press had lately obtained, and the discussions carried on in pamphlets as to paper money, the small-pox, and the controversy between Shute and the representatives, had encouraged James
1722. Franklin to set up a newspaper at Boston, called the *New England Courant*. There were already two newspapers there—one of them established as long ago as 1704, small sheets confined to advertisements and items of news—but the Courant was the first American newspaper that aspired to discuss public questions, and to guide and enlighten public opinion. Yet it was not always on the enlightened side; for, out of hostility to the Mathers and the ministers, it joined in the popular clamor against inoculation. One of its articles, in relation to a vessel fitted out to cruise for pirates, was construed by the General Court into a contempt, for which the

publisher was committed to prison. Some essays from the pen of Benjamin Franklin, then a youth of sixteen, an apprentice to his brother, gently satirizing religious hypocrisy, gave still greater offense. Hardly was Shute gone when the two Franklins were had up before a joint committee of the council and the House, who charged upon the paper "a tendency to mock religion, and to bring it into contempt;" that "the Holy Scriptures are therein profanely abused; the reverend and faithful ministers of the Gospel injuriously reflected on, his majesty's government affronted, and the peace and good order of his majesty's subjects of this province disturbed." Upon the strength of these vague charges, the younger Franklin was admonished. His brother was forbidden to publish the Courant, or any other paper or pamphlet, unless it were first approved and licensed by the colonial secretary. This order was evaded by publishing the paper in the name of the younger Franklin. But greater caution was necessary; the contributors to whom it had been indebted gradually dropped off, the paper lost its interest, and presently perished for lack of support—ominous fate of the first free press in America! The Philadelphia Mercury, the only newspaper in the colonies out of Boston, commented with just severity upon the re-establishment of a censorship in Massachusetts. But, in the way of liberty, the publisher of that paper had little to boast. Not a year before, on account of some offensive article, he had been summoned before the governor and council, and compelled to make a humble apology, receiving, at the same time, an intimation "that he must not presume to publish any thing relating to the affairs of this or any other of his majesty's colonies without the permission of the governor or secretary."

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1723. Jan.

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In the century since its settlement New England had undergone a great change. The austere manners of the
1723. Puritan fathers were still, indeed, preserved; their language was repeated; their observances were kept up; their institutions were revered; forms and habits remained—but the spirit was gone. The more ordinary objects of human desire and pursuit, the universal passion for wealth, political squabbles with the royal governors, land speculations, paper money jobs, and projects of territorial and personal aggrandizement, had superseded those metaphysical disputes, that spiritual vision, and that absorbing passion for a pure theocratic commonwealth which had carried the fathers into the wilderness. Even Cotton Mather, such was the progress of opinion, boasted of the harmony in which various religious sects lived together in Boston, and spoke of religious persecution as an obsolete blunder.

1718. At the settlement of Elisha Callender over the Boston Baptist Church, both the Mathers had assisted at the ordination. Cotton Mather even preached the sermon, which was printed, with the title "Good men united." "Cursed be the anger," says this sermon, "for it is fierce; and the wrath, for it is cruel; good for nothing but only to make divisions in Jacob and dissensions in Israel." "New England, also, in some former times, has done something of this aspect which would not now be so well approved of, in which, if the brethren in whose house we are now convened met with any thing too unbrotherly, they now with satisfaction hear us expressing our dislike of every thing which looked like persecution in the days that have passed over us." This remarkable mollification toward the Baptists on the part of the old leaders in the Congregational churches is partly, indeed, to be explained by their common dislike to the fashion-

able and growing Latitudinarianism, to which now began to be added—a new terror—an increased tendency to Episcopalian forms. CHAPTER XXIII. 1723.

In the quiet bosom of the English Church, in which a philosophic latitudinarianism was fast rising ascendant over High Church bigotry on the one hand, and Low Church enthusiasm on the other, the colonial doubters and free-thinkers, and all those to whom Puritan austerity was repulsive, were inclined to seek refuge. There are always many whom decent ceremonies delight. The ambitious hoped to recommend themselves, as churchmen, to the authorities at home. The rich and polite preferred a worship which seemed to bring them into sympathy with the English aristocracy. The same influences were felt in America as in England, where the Dissenters were fast sliding back into the Church.

Nor were these influences confined to laymen. Some of the more studious and more aspiring among the ministers found charms in the idea of apostolic succession, and temptation in the freedom and dignity of cures, untroubled by the obstinate turbulence of stiff-necked church members, in theory the spiritual equals of the pastor, whom, in order to manage, it was necessary to humor and to suit. Having found their way even among the primitive townships of Connecticut, these ideas received emphatic expression from an unexpected quarter. The Connecticut College, transferred from Saybrook to New Haven, and named "Yale," after a benefactor, a native of Connecticut, who had given something to it from a fortune acquired in the East Indies, had been lately intrusted to the rectorship of Timothy Cutler, a minister of talent and distinguished learning. To the surprise and alarm of the good people of New England, Cutler, with the tutor of the college and two neighboring minis- 1716 1719.

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ters, took occasion, one commencement day, to avow conversion to Episcopacy—a lapse in which they persisted,

1722. in spite of an elaborate, and, as the audience thought, most convincing argument, set forth on the spur of the moment by Governor Saltonstall, in favor of Congregationalism. Cutler was forthwith "excused" from all further service as rector of the college; and provision was made for requiring of all future rectors satisfactory evidence of "the soundness of their faith, in opposition to Arminian and prelatical corruptions." This prompt discipline, and the vehement outcry raised against the deserters, terrified and stopped short several others, inclined, it was suspected, to join in the revolt. Defection, nevertheless, continued to spread. Cutler became rector of a new Episcopal church in Boston. The dismissed ministers were maintained as missionaries by the English society for propagating the Gospel, and a new element, through their means, was gradually introduced into the religious system of Connecticut, destined, a century afterward, to work a political revolution.

The jealousy excited by the secessions in Connecticut

1724. was evinced in Massachusetts by the trial of John Checkley, afterward ordained as an Episcopal missionary, and sent to preach in Rhode Island, for publishing Leslie's "Short and Easy Method with the Deists," with an appendix by himself, in which episcopal ordination was insisted upon as necessary to constitute a Christian minister. This publication was charged as tending "to bring into contempt and infamy the ministers of the Holy Gospel established by law within his majesty's province" of Massachusetts. The jury having found a special verdict stating the facts, the indictment was sustained by the court, and Checkley was fined £50.

A convention of all the Congregational ministers of

the province was annually held at Boston; but, as that body did not possess any ecclesiastical authority, they petitioned the General Court to authorize a synod after the example of former times. The object, no doubt, was to strengthen the Congregational churches against prelatic invasions. While this petition was still pending, the Episcopalians made such representations in England that Dummer received a sharp reprimand for having entertained it. To make matters sure, the holding of any such synod without the express consent of the king was pronounced by the English crown lawyers illegal. CHAPTER XXIII. 1725.

So far from regaining the ground they had lost, the Congregational churches found it necessary still to yield. It was presently conceded to the Episcopalians that the ministerial taxes assessed upon them, instead of going, as hitherto, to the Congregational ministers, should be paid over to their own clergy. The next year the same justice was partially extended to the Baptists and Quakers. Similar laws were enacted in Connecticut and New Hampshire; but this concession was long clogged by several troublesome provisos, intended to confine its operation within the narrowest limits. 1727. 1728. 1729.

Education and habit, especially in what relates to outward forms, are not easily overcome. Episcopacy made but slow progress in New England. A greater change, however, was silently going on; among the more intelligent and thoughtful, both of laymen and ministers, Latitudinarianism continued to spread. Some approached even toward Socinianism, carefully concealing, however, from themselves their advance to that abyss. The seeds of schism were broadly sown; but extreme caution and moderation on the side of the Latitudinarians long prevented any open rupture. They rather insinuated than avowed their opinions. Afraid of a controversy, in

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which they were conscious that popular prejudice would be all against them, unsettled many of them in their own minds, and not daring to probe matters to the bottom, they patiently waited the further effects of that progressive change by which they themselves had been borne along. To gloss over their heresies, they called themselves Arminians; they even took the name of moderate Calvinists. Like all doubters, they lacked the zeal and energy of faith. Like all dissemblers, they were timid and hesitating. Conservatives as well as Latitudinarians, they wished, above all things, to enjoy their salaries and clerical dignities in comfort and in peace. Free comparatively in their studies, they were very cautious in their pulpits how they shocked the fixed prejudices of a bigoted people whose bread they ate. It thus happened that while the New England theology, as held by the more intelligent, underwent decided changes, the old Puritan phraseology was still generally preserved, and the old Puritan doctrines, in consequence, still kept their hold, to a great extent, on the mass of the people. Yet remarkable local modifications of opinion were silently produced by individual ministers, the influence of the abler Latitudinarian divines being traceable to this day in the respective places of their settlement. The growth of Latitudiarianism was the natural fruit of that doctrine of the Puritan fathers, the necessity of a learned ministry. That learning on which they relied against papist and prelatic superstition on the one hand, and Antinomian enthusiasm on the other, could not but react on themselves. As the exalted religious imagination of New England subsided to the common level, as reason and the moral sense began to struggle against the overwhelming pressure of religious awe, a party inevitably appeared which sought by learn

ed glosses to accommodate the hard text of the Scrip- CHAPTER XXIII.
tures and the hard doctrines of the popular creed to the
altered state of the public mind. 1725.

Shute was still prosecuting his complaints in England, and the charter was thought to be in danger. The representatives wished to intrust its defense to an agent appointed by their sole authority. But the consent of the council was necessary in order to obtain a vote to pay him, and they insisted on restoring Dummer; Cooke, however, the popular leader in the House, was appointed his colleague. In spite of all the efforts of the agents, Shute was sustained in all his complaints;
and the General Court found itself obliged to accept an 1726.
explanatory charter, securing to the governor, in express terms, the right to negative the elected speaker, and limiting the adjournment of the House, by its own vote, to not more than two days at once.

Usher, lieutenant governor of New Hampshire, had
been superseded by George Vaughan, a native merchant, 1716.
whom the colony had employed as their agent in Great Britain, and who seems to have cultivated favor by a memorial suggesting "to bring New England into the
land tax of Great Britain." Under his administration 1717
£15,000 of paper was issued on the loan system. Having quarreled with the Assembly about revenue, and
with Shute about power, he was soon superseded by John Dec.
Wentworth, grandson of one of the first settlers of the province.

The deaths of Allen and his eldest son delivered the people of New Hampshire from that series of lawsuits by which they had so long been harassed, and which they had stickled at no means, not even mutilation of records and forgery of Indian deeds, to defeat. In the course of this controversy they had expressly disclaimed

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any pretensions to the lands beyond the boundaries of the settled townships. Those lands, it was conceded, belonged to Allen. But his heirs were minors; Usher, also, had a mortgage upon half the province; and when it was desired to extend the settlements, a difficulty arose about giving titles. In this emergency, Lieutenant-governor Wentworth assumed to grant new town-
1719. ships in the name of the king. A body of Presbyterians from the north of Ireland settled at *Londonderry*.
1722. Grants were also issued for *Chester*, *Nottingham*, *Barrington*, and *Rochester*, thus inclosing the old towns by an exterior range. Settlement was delayed by the In-
1726. dian war; but, after the re-establishment of peace, a great spirit of land speculation arose. The territory on the west bank of the Merrimac, and, indeed, that on the east bank, within three miles of the river, as high up, at least, as the confluence of its two principal branches, was claimed by Massachusetts as within her chartered limits. Under her authority a township was laid out, and a settlement commenced at Penacook, afterward called Rum-
ford, now *Concord*, the present capital of New Hamp-
1727. shire. The next year a line of townships was surveyed, extending from the Merrimac to the Connecticut; and land was freely granted to the heirs and representatives of the soldiers in the former Indian and Canadian wars. A township opposite Penacook was bestowed on the survivors of Lovewell's fight. The Assembly of New Hampshire disputed the territorial claim of Massachusetts, and, in the spirit of rivalry, granted new townships of their own. But the surplus population of the old towns was not sufficient for so many new ones, and many years elapsed before the grants thus made were settled. The policy of encouraging immigration from abroad, which contributed so much to the rapid advancement of

Pennsylvania and Carolina, never found favor in New England. Even the few Irish settlers at Londonderry became objects of jealousy. They bestowed, however, a great benefit on the province by introducing the culture of flax and the potato. CHAPTER XXIII. 1727.

The jealousy so long felt in England of the charters of Connecticut and Rhode Island found new expression in a project for uniting these colonies, along with New Hampshire, into a single royal province; to which, pertinacious as ever, they responded by a resolution to part with none of their privileges, unless "wrenched from them." On the death of Saltonstall, Joseph Talcot was chosen governor of Connecticut, an office which he continued to hold, by annual re-elections, for seventeen years. 1723. 1724

The long-pending boundary dispute between Connecticut and Rhode Island carried at last before the king in council, Deputy-governor Jenckes proceeded to London as agent for Rhode Island. After a six years' suit, the Pawcatuck, in accordance with the terms of the charter, was solemnly established as the Rhode Island boundary. That little colony thus secured as a part of her territory the King's Province, or Narraganset country, of which Massachusetts and Connecticut had so long labored to deprive her. Shortly after his return, Jenckes was elected governor, as Cranston's successor. The boundary with Connecticut being finally run and marked, the late King's Province was erected into a third county, called *King's* (now *Washington*). 1720. 1726. 1727. 1729.

Tired of "begging his bread of those who took pleasure in his sufferings," and finding that threats of parliamentary interference were regarded in the light of "bullying letters," having obtained from the new ministers the renewal of his commission as governor of New York and New Jersey, Hunter resorted to the arts of manage- 1714

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ment and conciliation, of which he was a master The New York Assembly consisted, as yet, of only nineteen

1715. members. At a new election, Hunter, by the aid of Lewis Morris, succeeded in securing "a well-disposed majority." Morris was rewarded for his services by the appointment of chief justice, which, however, did not disqualify him, according to the practice of that day, from continuing to sit as a member of the House. Advantage was taken of an ill-considered speech on the part of Mulford, one of the Long Island representatives, and Hunter's most violent opponent, to obtain his expulsion. The governor's party, coalescing, it would seem, with the fragments of the Leislerians, succeeded in carrying the grant of a revenue for five years. The governor conceded, in return, the naturalization of the Dutch inhabitants, often hitherto denied. He also consented to duties on British goods imported, and to discriminating tonnage duties on ships not owned in the colony—enactments lately vetoed in the case of Massachusetts, and which the Board of Trade again pronounced inadmissible. The first taste in New York of paper money was the £10,000 issued for the Canada expedition, presently followed by £28,000 for the discharge of provincial debts of many years' standing, but for which the Assembly had refused to make any provision till this convenient method of payment was found. The appetite for paper having grown with indulgence, a third issue was now made for Indian presents and the erection of fortifications, to be sunk in twenty-one years by an excise on spirits.

A standing revenue and a subservient Assembly secured, Hunter ruled without obstruction this "hitherto ungovernable province." This good understanding was presently sealed by another paper money job of an extraordinary character. To the outstanding bills, already

at a discount of three for one, a new sum of £48,000 was added, under pretense of paying debts formerly overlooked, debts alleged to be due to the counselors, the members of the Assembly, and their friends and partisans, in some instances for services rendered by the fathers of some of them thirty years before, in Leisler's time. The grand jury of New York remonstrated against this procedure as alike fraudulent and impolitic; whereupon the delegates ordered the jurors into custody, and gave them a reprimand. The London merchants, sufferers by the depreciation, endeavored to obtain a royal negative. But as the bills were already in circulation, all that could be done was to issue an order, henceforth embodied in the instructions of all the royal governors, not to consent to any paper money emissions except for the payment of current expenses. CHAPTER XXIII. 1717. 1719.

In New Jersey, by siding with the Quakers and Dissenters, Hunter made his administration tolerably easy. Here, too, he was supported by the talents of Lewis Morris, who sat in the council. The office of chief justice was given to Jameson, a lawyer of New York, made popular by an able and bold defense of one of the Presbyterian ministers prosecuted by Cornbury. 1710.

In a new Assembly, presently chosen, the Churchmen, having obtained a majority, elected as their speaker Daniel Coxe, son of that Coxe already mentioned as a large proprietor of West New Jersey and the claimant of Carolana. A recent act of Parliament, made perpetual in England, and extended to the colonies for five years, allowed the affirmations of Quakers in certain cases; but the formality of an oath was expressly required in qualifications for office, of jurymen, and of witnesses in capital trials. This act of Parliament, it was contended by the Churchmen, operated to repeal the local acts of New 1716.

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Jersey, allowing Quakers to affirm in all cases. Chief-justice Jameson thought differently, and ruled otherwise; but the clerk of his court placed a different construction on the law, and refused to administer to grand jurymen any thing but an oath. The chief justice, having fined the clerk for contempt, was himself indicted at a court of quarter sessions. Hunter put forth a proclamation on behalf of his chief justice; the indictment was quashed, and the lawyers who had promoted it were suspended from practice. The tables, also, were turned upon Coxe. By the governor's instructions and an act of Assembly, sessions were to be alternately held at Burlington and Amboy. The instructions allowed a certain discretion, and, though the last session had been held at Amboy, Hunter chose to call a new one at the same place. Coxe and his partisans, meaning to keep the governor out of any supplies, denounced this call as illegal, and refused to attend. By great exertions, Hunter got a bare majority together, whom he persuaded to choose a new speaker, and to expel Coxe and the other absent members for "contempt of authority and neglect of the service of their country." Some of the expelled members, re-elected, were not allowed to take their seats. From the Assembly thus purged, Hunter obtained the vote of a three years' revenue. It was in vain that Coxe appealed to England; Hunter had the ear of the Board of Trade, and Coxe's charges were no more regarded than those of Mulford.

Having returned to England with glowing eulogies from his two Assemblies of New York and New Jersey, Hunter presently obtained there the government of Jamaica, a climate more suited to his failing health. That of New York and New Jersey was given to William Burnet, a son of the celebrated bishop. Losses by the

South Sea bubble made him willing to accept a colonial appointment. Hunter had taken care that Schuyler, who administered the government in his absence as president of the council, should not be allowed to dissolve the Assembly, nor to make any official changes; and Burnet, shortly after his arrival, by the convenient aid of Morris, obtained from that same pliable body the regrant of a five years' revenue. CHAPTER XXIII. 1720 Oct.

Though the treaty of Utrecht spoke of the Five Nations as "subject to England," the French had by no means given over their attempts to establish an influence and trade with the western clans of that confederacy. To counteract their designs, Burnet procured an act of Assembly to cut off the French traders from that supply of goods for the Indian traffic which they were accustomed to obtain at Albany. This act raised a great clamor and opposition on the part of the Albany traders, against which, however, Burnet successfully defended himself.

Having been a prisoner among the Senecas, Joncaire had acquired a great influence over them, and had been adopted into the tribe. Joined by a party from Montreal, with whom went Charlevoix, the able historian of New France, then on his way from Canada to New Orleans, Joncaire established at the foot of the Falls of Niagara, on the site of La Salle's temporary post, a permanent trading house. 1721.

The commissioners under the treaty of Utrecht for settling the boundaries in America between France and Great Britain had lately met at Paris. It seems to have been on this occasion that the British government first became aware of the extensive projects entertained by the French for engrossing the interior of North America. Advised by the Board of Trade "to extend with caution the English settlements as far as possible, as there

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was no great probability of obtaining an arrangement of general boundaries," Burnet erected a trading post near
1721. the mouth of the Genesee, thus laying claim for the province of New York to the south shore of Lake Ontario, and planting the English standard, for the first time, upon the great Western waters. The English claimed the territory north and west of Lake Ontario as appertaining to the Five Nations, and in particular to the Mohawks and Oneidas, by the right of former conquests from the Hurons. They pretended, also, that by a treaty at the commencement of the late war, of which, however, no record existed except an entry in the council books of New York, the hunting grounds of the Mohawks and Oneidas had been specially placed under En-
1726. glish protection. In a treaty at Albany, Burnet succeeded in obtaining from the Mohawks and Oneidas a confirmation of this alleged old grant; and from the three western clans the cession, also, of a strip of territory, sixty miles in depth, along the south shore of Lakes Ontario and Erie, from Oswego to Cayuga, now Cleveland, "to be protected by the English" for the use of those tribes. In spite of the remonstrances of the French, of the Oneidas, who liked not to see a fortified post in their neighborhood, and even of the New York merchants, hostile to any change in their course of trade with Montreal,
1727. Burnet built a small fort at *Oswego*, partly at his own expense, since the Assembly hesitated to vote the money. But Oswego was outflanked by the French post at *Niagara*, converted also into a fort, and commanding the communication with the west, from which the English were, as yet, in a great measure excluded.

While thus watchful over the foreign relations of his province, Burnet's domestic administration became involved in embarrassments. He was a man of education,

and, though he came to America to better his fortunes, CHAPTER XXIII.
was by no means grasping or avaricious—a rare virtue ——
in a colonial governor. But he had little art or policy, 1726.
and he spoke his mind with an inconsiderate freedom, which mortified the pride and self-consequence of Schuyler, Phillips, and Delancey, leading persons in the aristocracy of the province. Though still supported by Morris, and by Alexander and Colden—two recent Scotch immigrants of talent, the first a lawyer, the other a physician, but appointed surveyor general and master in chancery, and both presently made counselors—Burnet lost, at last, the control of the Assembly. Piqued at their behavior in refusing a continuation of the standing revenue for a longer period than three years, and that at a reduced amount, and with a diminution of salaries, Burnet dissolved this once pliant body, whose existence had continued for eleven years. The new Assembly, still more unmanageable, complained of the Court of Chan- 1727.
cery, in which the governor presided, as having been established without authority of law—a complaint urged twenty years before, but which till the present time had slumbered. This was attacking the governor in a tender point; for he took no little pride and pleasure in his office of chancellor. Another ground of complaint on the part of the Assembly was the sinecure office of auditor general, which gave to Horace Walpole, the brother of the minister, a commission of five per cent. on the colonial revenue. Burnet gave offense in England by lack of zeal in defending this job; and when his commission expired by the demise of the crown, his enemies in the colony procured his removal. He received, however, by way of compensation, the government of Massachusetts, which Shute had delayed to reassume, and which he now resigned in consideration of a pension of £400 out of the West India four and a half per cent. export duty.

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Burnet had some trouble with his first New Jersey Assembly, but by consenting to the emission of £40,000
1721. in bills of credit, to be loaned out in small sums, after the plan of New England and Carolina, he presently obtained a continuation of the revenue act for five years. His defense of this scheme against the objections of the Board of Trade confirmed his popularity, and it was not without regret that the Assembly saw him removed.

1715. Gookin, governor of Pennsylvania, anticipating the speedy transfer of that province to the crown, construed the act of Parliament already mentioned in relation to the affirmation of Quakers as repealing the provincial statute dispensing with the use of oaths. A stop was put, in consequence, to the administration of justice. Council and Assembly protested against Gookin's law. He, in his turn, accused them of disloyalty; and, on their representation, he was presently removed.

1717. The appointment of his successor, Sir William Keith, late surveyor general of the colonial customs, was speedily followed by the death of Penn, under whose will disputes arose as to the sovereignty of the province, which furnished matter for a nine years' law-suit. But all the claimants concurred in confirming Keith in office. Naturally of an easy and affable temper, and anxious to secure an ample salary, he accommodated himself in all things to the wishes and prejudices of the Assembly, and they, in their turn, yielded more than ever before. They even consented to the enrollment of a volunteer militia, and, at Keith's suggestion, adopted, for
1718. the most part, the English criminal law as a substitute for the milder system of their own statutes. The judiciary, long the subject of controversy, was now at length
1722. permanently arranged by conferring on a Supreme Court of three judges appellate common law jurisdiction over

all the inferior tribunals of the colony. Keith, by vir- CHAPTER XXIII.
tue of his commission as governor, was allowed to hold a Chancery Court; but this was denied to his successors, and Pennsylvania, like Massachusetts, was restricted, in consequence, to common law remedies.

Keith confirmed his popularity, after Burnet's example in New Jersey, by consenting to an experiment of the paper money loan system by an issue of £15,000, to be lent out on plate or real estate at five per cent., one eighth of the principal repayable annually. Loan offices were established in each county. The smallest loan was to be £10 10*s.*, the largest £100, unless bills lay in the offices six months without borrowers, in which case loans might be made of £200. The next year an 1723.
additional £30,000 was issued on the same plan.

Keith's devotion to the wishes of the Assembly met with some opposition in the council. Supposing that the pending controversy about the proprietorship would make it difficult to recall him, notwithstanding his instructions, which he had given bonds to obey, he treated the counselors with very little respect. He even adopted the old doctrine of the Assembly, denying the council's right to participate in the enactment of laws. Removed on some very shallow pretenses from his offices of sec- 1722.
retary and counselor, Logan proceeded to England, and procured there from the widow Penn, executrix under her husband's will, and from the trustees who held a mortgage on the province for the benefit of Penn's creditors, sharp letters of reprehension to the governor.

Relying on the non-concurrence of the other claimants, 1724.
Keith still persisted in his former course. The Assembly remonstrated in his behalf; but the controversy was 1725.
cut short, much to Keith's mortification, by his unexpected removal—an act in which all the parties inter-

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ested joined, a compromise of the family dispute having at length been effected. Under the administration of
1726. Patrick Gordon, sent out to supersede him, Keith got himself elected to the Assembly, and headed the opposition there. But his influence speedily declined. As leader of the opposition he enjoyed no salary, and he presently returned to England, where he endeavored to recommend himself to notice by ultra advocacy of the rights and authority of the mother country over the colonies. He suggested the idea of taxing the colonies for the benefit of the mother country, to which Sir Robert Walpole is said to have replied, "I will leave that for some man bolder than I am, and less the friend of British commerce."

At the accession of the house of Hanover, a quarter of a century had elapsed since the aged proprietor of Maryland had been deprived of the administration of the province, for the sole reason that he was a Catholic. His more pliable son, Benedict Leonard, who had conformed to the English Church, had been rewarded by a pension; and when he succeeded to the title on his father's
1715. death, "to encourage the education of the numerous issue of so noble a family in the Protestant religion," in spite of the objections of the Board of Trade to proprietary governments, the administration of the colony was unconditionally restored. The new proprietary dying within the year, the province descended to his infant son Charles, fifth Lord Baltimore. The administration was still continued in the hands of John Hart, the last royal governor, who had recommended himself by yielding up, for the benefit of the proprietary family, some of the emoluments of his office.

By the Constitution of Maryland as now re-established, the proprietary possessed all the functions of an hered-

itary king, to be exercised in his own person, or by a governor who acted as viceroy. Twelve counselors, appointed by the proprietary, constituted at once the upper house of legislation and the supreme legal tribunal. The Assembly consisted of four delegates from each county, with two for Annapolis, triennially elected by the freeholders, and such others not freeholders as possessed personal property to the value of £40, $133. The election was *viva voce*, as in Virginia, and those neglecting to vote were liable, as in that colony, to a fine. By a revisal of the Maryland code, made just previous to the retransfer of the province, "all negroes and other slaves already imported or hereafter to be imported, and all children now born or hereafter to be born of such negroes and slaves, shall be slaves during their natural lives"—an act construed as sanctioning in Maryland, though without any express provision to that effect, the Virginia rule of determining the condition of the child by that of the mother. It was expressly provided that baptism should not confer freedom. The provisions, in a long act on the subject of slaves and servants, bear a very strong resemblance to those of the Virginia code; but there were some peculiarities. "Any person whatsoever" traveling out of the county of his residence without a pass under the seal of the county, might be apprehended and carried before a magistrate, and if not sufficiently known, or unable to give a good account of himself, might, at the magistrate's discretion, be committed to jail for six months, or until the procurement of "a certificate or other justification that he or she is not a servant." Notwithstanding this certificate, no discharge was to be had till the jailer was paid ten pounds of tobacco, or one day's service for each day of imprisonment, and the person making the arrest, as a reward for his trouble, two hundred pounds of tobacco, or twenty

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days' service. This statute, which strongly resembles an early law of New York, already cited, remains, in the Federal District of Columbia, ceded to the United States by Maryland, and still chiefly governed by old Maryland provincial statutes, unrepealed to this day (1853)!

An act of this same session against blasphemy, profane swearing, and drunkenness, much in the terms of the first section of the vaunted toleration act of Maryland, provides "that any person within this province who shall blaspheme God, that is to say, curse him, or deny our Savior Jesus Christ to be the Son of God, or shall deny the Holy Trinity, the Father, Son, and Holy Ghost, or the Godhead of any of the persons, or the unity of the Godhead, or shall utter any profane words concerning the Holy Trinity, or any of the persons thereof," for the first offense shall have his tongue bored through and be fined £20, or, in default of payment, be imprisoned six months; for the second offense, shall be "stigmatized" by branding in the forehead with the letter B, and be fined £40, or, in default of payment, be imprisoned twelve months; and for the third offense, shall suffer death without benefit of clergy! Several times re-enacted, with some slight modifications of phraseology, this statute, also, still continues (1853) the nominal law of the land in the District of Columbia, except that, by an act of Congress, the punishment of death under this and other old Maryland statutes has been commuted into confinement in the penitentiary for not less than ten nor more than twenty years.

Hart described the inhabitants of Maryland as "a well-natured, most hospitable people, for the most part zealously affected to the present government and Protestant interest." The annual produce of tobacco amounted now to thirty thousand hogsheads of five hundred

pounds each. With the Azores and the West Indies there was a feeble traffic in timber, Indian corn, and salted provisions. The Catholics were still deprived of the right of suffrage, but most of the persecuting laws enacted against them were speedily repealed. Hart was succeeded as governor by Charles Calvert, a kinsman of the proprietary. CHAPTER XXIII. 1715. 1720.

The school system formerly devised, and for the benefit of which certain import and export duties had been imposed, was now carried into effect. Boards of visitors were created, seven for each county, with power to perpetuate themselves by filling vacancies, and with authority to purchase in each county one hundred acres as the site of a boarding school, and to employ "good school-masters, members of the Church of England, and of pious and exemplary lives and conversation, and capable of teaching well the grammar, good writing, and the mathematics, if such can conveniently be got," on a salary of £20 per annum, and the use of the plantation. By a subsequent act, these masters were required, under penalty of dismissal, to teach as many poor children gratis as the visitors should direct. Though far inferior to the school system of New England, this was a more liberal provision than was elsewhere made in the colonies for public education. 1723. 1728

The importation from Pennsylvania or Delaware of "bread, beer, flour, malt, wheat, Indian corn, or other grain or meal," and of horses, was strictly prohibited—a policy long persevered in. Another act, which throws some light on the condition of the province, after complaining of "the extravagant multitude of useless horses that run in the woods," authorizes the shooting of any stoned horses found loose, and of all other horses that break into inclosures; nor was any person not having 1723.

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land of his own, or renting a plantation, to keep breeding mares in the woods. An act very similar to this had been enacted in Virginia a year or two previous.

1723.

Governor Spotswood, a man of ability and good intentions, but with a strong spice of the haughtiness customary with military officers, had noticed, upon his first arrival in Virginia, "a new and unaccountable humor" in several counties of "excluding the gentlemen from being burgesses, and choosing only persons of mean figure and character." He remarked the influences of this same humor in the expulsion of two members from the House of Burgesses "for having the generosity to serve without pay," which the House termed "bribery."

1715.

The standing revenue derived from the export duty on tobacco amounted now to £4000, and, with the aid of £300 from the quit-rents, sufficed for the payment of the civil list. Spotswood, however, had various projects on foot which required additional grants. Besides obtaining Indian children, some from very distant tribes, to be instructed in the college at Williamsburg, as an additional means of counteracting the influence of the French, he set up an Indian school near the frontiers. He also stationed bands of tributary Indians to watch the motions of the late hostile Tuscaroras. The Assembly had resolved to vote no taxes, nor to raise any money except by imposts on British goods, and a discriminating tonnage duty in favor of Virginia vessels—a favorite policy at that time in all the colonies, but to which Spotswood's instructions would not allow him to consent. After five weeks of fruitless altercations, he dissolved the Assembly with undisguised marks of contempt. The Board of Trade commended his general conduct, but they disapproved of his speech to the burgesses, who, though "mean, ignorant people," unreasonable and uncompliant, yet "ought not

to have been irritated by sharp expressions, which may not only incense them, but even their electors." CHAPTER XXIII.

The attention of the Board of Trade having been called to the old laws of Virginia to prevent the recovery of foreign debts, to prohibit the assembly of Quakers, and to forbid the holding of provincial offices by any who had not been three years resident in the colony, they were now repealed by proclamation after a nominal validity of more than half a century. Nor would the board consent to a new project of Spotswood for re-establishing a monopoly of the Indian traffic, from which he hoped to derive the funds which the Assembly refused. 1717.

To Spotswood's quarrel with the "mean people" of the Assembly, he presently added a still more dangerous one with the "gentlemen" of the council. Eight of the twelve members of that board, intimately connected by family ties, and headed by that veteran politician, Commissary Blair, attempted to procure his removal, as they had done that of his predecessors Andros and Nicholson. They carried the Assembly with them, and a session ensued in which every measure proposed by Spotswood was violently opposed. The post-office system, under the late act of Parliament, had recently been extended into Virginia. Alleging "that Parliament could not lay any tax on them without the consent of the General Assembly," they exempted merchants' accounts from postage—an interference met the next year by a new act of Parliament. They framed charges against the governor, and sent an agent to England to support them. But the most substantial grievance of all, "the inconvenience of being governed by a lieutenant, while the governor-in-chief resided in England," was dropped out of the representation, lest it might offend the Earl of Orkney, and provoke him to continue Spotswood in office. 1718.

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No sooner was the Assembly prorogued, than addresses poured in from the convocation of the clergy, from the
1718. college, and almost every county, expressing "abhorrence" of the Assembly's proceedings, and happiness under Spotswood's intelligent and able administration. The Board of Trade sustained him; but, not to stir up new animosities, they denied his request to remove the complaining counselors. The policy, however, was henceforth adopted of preventing the growth of family cabals by appointing no new counselors in any way connected with the old ones.

This quarrel having subsided, Spotswood devoted himself to his favorite plan of promoting the settlement of the country toward the mountains. For two newly-erected counties, *Spotsylvania* and *Halifax*, he procured a ten years' exemption from quit-rents. In conjunction with
1722. Keith, the governor of Pennsylvania, he negotiated a treaty with the Six Nations, by which, in consideration of certain presents, they agreed to send no more hunting or war parties into the region east of the Blue Ridge

Notwithstanding Spotswood's apparent triumph, the secret machinations of the counselors procured his removal, and Hugh Drysdale was sent out as his successor. Spotswood, however, still continued in America, receiving the appointment of postmaster-general for the colonies.

An act, renewed from time to time, had imposed, in aid of the colony levy, a duty of sixpence per gallon on English spirits, and twenty shillings a head on negroes imported. To put a stop to the practice "of levying cus-
1723. toms on the trade of England," this act, to a renewal of which Drysdale consented, was repealed by proclamation; as was another act also imposing a prohibitory duty on the importation of convicts. The Assembly,
1724. however, soon obtained leave to reimpose the old duty

on liquors when from countries other than Great Britain; the Board of Trade, at the same time, intimating that they had no objection to a duty on negroes, if the payment of it were exacted, not from the English importer, but from the colonial purchaser. CHAPTER XXIII. 1724.

The importation of slaves amounted now to a thousand annually. New and more stringent provisions were enacted for the suppression of insurrections and the arrest of runaways. By a further restriction on emancipations, no slave might be set free "except for meritorious services, to be adjudged of by the governor and council, and a license thereupon had and obtained." Free negroes, mulattoes, and Indians, though freeholders, were deprived of the right of voting.

Commended by the Assembly as "just and disinterested," Drysdale was able to boast of "general harmony and contentment." When he died, after a four years' administration, the government passed to William Gouch, like so many of his predecessors a military officer, but a man of excellent temper and conciliatory address. 1726. 1727.

For the ten years from 1720 to 1730, the value of goods exported from England to the North American colonies was,

To New England	£1,747,057	$7,756,935
To New York	657,998	2,921,513
To Pennsylvania	321,958	1,429,500
To Maryland and Virginia	1,591,665	7,046,994
To Carolina	394,314	1,751,198
Total	£4,712,992	$20,906,140

An annual average of £471,299, $1,992,569.

CHAPTER XXIV.

DESIGNS AND PROGRESS OF THE FRENCH. FIRST TWELVE YEARS OF GEORGE II. SETTLEMENT OF GEORGIA.

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1728

THOUGH the progress of New France, as compared with that of the British colonies, was but slow and inconsiderable, the French still entertained the grand project of appropriating the whole of that vast western valley from the great lakes to the Gulf of Mexico. The Iroquois were no longer hostile; and, if the missionary spirit was dying out, it had been succeeded by a mercantile spirit hardly less energetic and determined. The French fur traders ranged the whole west; the Foxes, the only hostile tribe on the upper lakes, had been chastised and driven from Green Bay. By the treaty of Utrecht, the traffic with the western Indians was equally open to the English traders; but it still remained, for the most part, in the hands of the French, constituting, indeed, almost the sole resource of Canada. The lands along the banks of the St. Lawrence had been granted in seigniories, much like the patroonships of New Netherland. The tenants who cultivated them, known as *habitans*, produced little more than was necessary for the local consumption; but were often, however, better off than the *seigneurs*, or feudal lords, whose rents and feudal rights amounted to little. They looked chiefly to public offices or commissions in the army and navy as a means of support, and to them, therefore, peace was always distasteful.

By an edict of Louis XIV., the nobles of Canada had been authorized to engage in commerce without any prejudice to their nobility. The fur trade, however, was principally in the hands of the bourgeoisie of Quebec and Montreal. The attempts to establish fisheries on the shores of the St. Lawrence had failed. Of the vessels that took cargoes to New France, some carried coal from Cape Breton to Martinique, to be used in boiling sugar; others bought fish in Newfoundland; but many returned in ballast. Notwithstanding objections in France, leave had been granted to establish linen manufactures in Canada, and coarse linens were now produced sufficient for the local demand. 1728.

The administration of Canadian affairs was vested in the governor general, the intendant, and a supreme council. The bishop named all the curates. The custom of Paris, the law of New France, under the conservative hands of the English, has preserved, like the Roman-Dutch code in British Guiana, authority in America long after having lost it in Europe. The population of Canada numbered at this time about thirty thousand. Quebec was a city of five thousand inhabitants. Many of the principal officers of the government were established there, and it could boast, in consequence, a more agreeable society than any other American town.

The "Creoles of Canada," natives, that is, of European descent, are described by Charlevoix as "well made, large, strong, robust, vigorous, enterprising, brave, and indefatigable, but unpolished, presumptuous, self-reliant, esteeming themselves above all the nations of the earth, and somewhat lacking in filial veneration"—a portrait, not of the Canadian Creoles merely, but of the whole Creole-American race. The Canadians, true to their French origin, though inferior in industry, and much

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less wealthy, understood better than the Anglo-Americans the art of making themselves happy.

1728. In Louisiana the French had secured the friendship of the Choctaws, a numerous confederacy inhabiting the region from the Lower Mississippi eastward to the Alabama, where they bordered on the Creeks. Surrounded by the Choctaws, and dwelling mostly in a single village in the close vicinity of Fort Rosalie, were the Natchez, limited in numbers and extent of territory, but remarkable for a peculiar language and their singular religious and social institutions, which resembled, in several points, those of the Peruvians of South America. Like the Peruvians, they worshiped the sun, from whom, also, their great chief claimed to be descended. In the great wigwam dedicated to their god, an undying fire was kept burning. Besides their principal chief, "the Great Sun," object of their highest reverence, there was a race of inferior chiefs or "suns," quite distinct from the common people. The hierarchical system was complete; but the small number of the Natchez did not allow of any of those striking results of combined labor, extorted by religious reverence, so remarkable among the Mexicans and Peruvians. The Natchez hardly differed in external from the other tribes about them.

Alarmed at the encroachments of the French at Fort Rosalie, by whom their very village was demanded as a site for plantations, the Natchez presently began to grow hostile—a feeling stimulated by the Chickasaws, who dwelt northwardly up the east bank of the Mississippi, toward the mouth of the Ohio, and whose country extended eastward to the lands of the Cherokees.

1729. Nov. Thus encouraged, the Natchez fell unexpectedly on the French settlement at Fort Rosalie, massacred the men to the number of two hundred, and made the women

and children prisoners. The negro slaves were not harmed, and they presently joined the Indians. The settlers in the vicinity of New Orleans amounted, by this time, to near six thousand. But a third of that number were slaves, and dread of insurrection added to the terrors of Indian war. While the people of New Orleans mustered their forces and fortified the city, Le Sueur, with a body of seven hundred Choctaw warriors, surprised the Natchez feasting over their victory, and liberated a part of the prisoners. Forces which presently arrived from New Orleans completed the success. Some of the discomfited Natchez fled to the Chickasaws, others crossed the Mississippi. But they were pursued, and only a few made good their escape. The great chief and four hundred others, prisoners in the hands of the French, were sent to St. Domingo and sold as slaves.

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1729.

1730. Jan

Feb

The English government, anxious to confirm their influence over the Cherokees, sent Sir Alexander Cumming to Carolina, specially authorized to renew the treaties with that powerful confederacy. Cumming held several councils in the Cherokee country; and seven of the principal chiefs were persuaded to accompany him to England on a visit to their "great father," the king. These chiefs signed a treaty with the Board of Trade, by which they promised the return of all runaway slaves, and were made to acknowledge themselves the subjects of Great Britain. Hence, in the subsequent controversy with the French, a pretense on the part of Great Britain, as in the case of the Six Nations, to sovereignty over all the Cherokee territory.

1730.

While these events transpired at the south, the Canadian authorities excited apprehensions by sending a party from Montreal up Lake Champlain to occupy

1731

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1731.

Crown Point, within a hundred miles of Albany. The Assembly of New York resolved that "this encroachment, if not prevented," would prove of "the most pernicious consequence to this and other colonies;" and they sent notice to Massachusetts, Connecticut, and Pennsylvania, and applied to England for aid. Massachusetts entered warmly into their feelings. The Board of Trade supported their complaints. But the judicious policy of Walpole was peace. The experience of the last two wars, which had saddled England, to so little purpose, with a debt of two hundred and fifty millions of dollars, was not yet forgotten, and, in spite of the remonstrances of New York and New England, the French were allowed quietly to occupy the shores of a lake which, more than a century previous, they had been the first to explore.

Only at this single point did the French yet approach the settlements of the English. There was a short and easy communication from Lake Erie with the upper waters of the Ohio; but no attempt was made by the French to occupy those waters, of which, indeed, they seem as yet to have known but little. The communication between Canada and Louisiana was carried on by the distant routes of Green Bay and the Wisconsin, Lake Michigan and the Illinois, and presently by the Maumee and the Wabash, which latter river was regarded by the French as the main stream, to which the Ohio was but a tributary. Low down the Wabash the post of St. Vincent's was presently established. The Blue Ridge bounded as yet the back settlements of Pennsylvania and Virginia. Unknown mountains and unthreaded forests separated for a few years longer the rival claimants of a continent.

Yet already the communication between Canada and

Louisiana was exposed to obstructions. English traders, penetrating through the country of the Cherokees, had already reached the distant Chickasaws, by whom, as enemies of the French, they were kindly received. These traders, in their turn, stimulated the hostility of the Chickasaws, whose canoes, filled with warriors, attacked the French boats navigating backward and forward from the Illinois to New Orleans. The Chickasaws even attempted, in conjunction with the English traders, to detach the tribes of the northwest from the French interest. CHAPTER XXIV. 1731.

The Mississippi Company, utterly disappointed in its expectations of profit, and alarmed at the expense of the war with the Natchez, resigned Louisiana to the crown, and the Canadian Bienville, who had shared the fatigues and anxieties of the first settlement, was again commissioned as royal governor; but the system of administration remained in most respects as before. The hostility of the Chickasaws seeming to threaten, in the southwest, an obstacle to French dominion similar to that which the Iroquois had formerly presented at the north, it was resolved to attempt the conquest of that haughty nation by a simultaneous attack from opposite directions. 1732. 1735.

Proceeding from New Orleans to Mobile with a fleet of sixty boats and canoes, Bienville ascended the Tombigbee to a fort or trading house lately established two hundred and fifty miles up that river. There he was joined by twelve hundred Choctaws. The combined force having paddled up the Tombigbee to the head of navigation, marched from the landing now known as Cotton Gin Port against a stronghold of the Chickasaws, situate about twenty miles west of it. Aware, however, of the approach of their enemies, and encouraged by

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some English traders, the Chickasaws repulsed the attack, and compelled the French and their allies to an inglorious retreat.

May 25.

D'Artaguette, who simultaneously descended from the Illinois with fifty Frenchmen and a thousand Indians, had been still more unlucky. Not hearing any thing of the other expedition, he too had ventured a separate attack on a more northerly fort of the Chickasaws, in which he fell, severely wounded. His forces were repulsed and hotly pursued. Himself and several others, taken prisoners, were burned at the stake. In consequence, no doubt, of the expense of this war, the "card money" system which prevailed in Canada was introduced into Louisiana also.

May 20.

1739. Three years after, the whole strength of New France was again exerted for the conquest of the Chickasaws. At a post established within their country at that bluff on the Mississippi, now the site of the city of Memphis, twelve hundred French soldiers were assembled, with twice as many Indians and negroes. But the ranks were soon thinned by sickness, and the French were

1740. glad to purchase peace by withdrawing their forces, leaving the Chickasaws still independent and indomitable.

The process for vacating the charter of Carolina had been delayed by the privilege of peerage enjoyed by several of the proprietaries. To conclude matters, the ministers had proposed to buy the province, and the bargain

1729. for that purpose was already confirmed by act of Parliament. Seven of the eight proprietaries relinquished to the crown all their interest for the sum of £17,500, to which were added £5000 more for arrears of quit-rents, claimed to the amount of £9000. Lord Carteret, the eighth proprietor, surrendered his rights of jurisdiction, but chose to retain his interest in the soil, his

share of which, in the territory north of the Savannah, was specially set off to him next to the Virginia line, which had been lately run, and marked as far westward as the Blue Ridge.

The transfer thus completed, the appointment of royal governor for the southern province was given to that same Robert Johnson under whose administration South Carolina had formerly been lost to the proprietaries. He brought with him a present of warlike stores, and a remission of the arrears of quit-rents; also a plan for encouraging settlements by free gifts of land, in townships to be laid off on all the principal rivers. Under this scheme Purysburg, the first town on the Savannah, was founded by a body of Swiss emigrants. The office of lieutenant governor was bestowed on Thomas Broughton, who, as speaker of the Representatives, had attempted, during the late troublesome times, to arrest the chief justice in the presence of the council. Several counselors had been left out, of those most strenuous for obeying the royal instructions. The paper money party thus strengthened, the Assembly suspended the redemption of the outstanding bills; they voted a new issue of £104,000 for the payment of debts contracted during the confusion of the past four years; and they passed an act for confirming defective and obsolete titles, by which the governor, who had large claims of that sort, hoped personally to profit, as did most of the counselors and members of Assembly.

1730. Dec.

1731. Aug.

The immigration which began to flow from Germany, Ireland, and the northern colonies, and the increased importation of slaves, produced quite a scramble among the principal planters for the possession of lands. But St. John, the king's surveyor, made such representations respecting the act for confirming defective titles, that

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the royal veto was placed upon it. Having obtained a copy of his observations through their agent in England, a pretense was presently found by the Assembly for committing him and others to prison on the charge of making illegal surveys. The chief justice issued a writ of habeas corpus; but, forgetful of their late zeal in behalf of that writ at the time it was denied to Counselor Smith, and of an act which they themselves had passed for giving to it the fullest effect and imposing penalties on all who resisted its execution, the Assembly now took the ground that persons committed by their order were placed beyond its reach. The chief justice persisting, the Assembly took away his salary, and voted him unworthy of his office, and an enemy to the province. They stopped the suits brought under the Habeas Corpus law by a special act repealing the penalties. The council declined to interfere, and only after a long imprisonment, and by special order from England, was the unfortunate surveyor released.

1732.

Neither Johnson nor any of his successors was able to obtain any thing more than annual grants of salary, for which the Assembly pleaded the example of Massachusetts. The Assembly, however, showed their gratitude to Johnson, who presently died in office, by voting a monument to his memory. Under Lieutenant-governor Broughton an additional £100,000 was issued in bills of credit, to be lent out at eight per cent., five eighths of the interest to produce an accumulating fund for the redemption of the bills, two eighths to be for the assistance of "poor Protestants who shall arrive in the province and settle in the new townships," and one eighth for the expenses of management. On Broughton's death the government devolved on William Bull, president of the council.

1735.

1736.

1737.

When news arrived in North Carolina that the province had been purchased by the crown, Everard, the governor, made immense grants of land to certain favored individuals, without stipulating any price or reserving any quit-rents, while the Assembly hastened to issue £40,000 in new bills of credit, under the usual pretense of supplying a deficiency in the circulation. To regulate a people whom he himself described "as indolent and crafty, impatient of government, and neither to be cajoled nor outwitted by any ruler," at a time "when the council had been set aside, and the General Court suppressed"—where "justice was not distributed, and neither peace nor order any longer subsisted," Newcastle, the secretary of state, on whom it now devolved to appoint a governor, made choice of that very same Burrington whom formerly the proprietaries had recalled with disgrace. Hitherto North Carolina had been divided into the two counties of Albemarle and Bath, each including a number of precincts. The precincts being now raised to the dignity of counties, the old names of Albemarle and Bath disappeared from the list. CHAPTER XXIV. 1729. 1731.

Burrington gave great satisfaction by announcing a remission of arrears of quit-rents. But when the Assembly complained of exorbitant fees—long a standing grievance in North Carolina—he rejected their remonstrance with contempt, as an assumption of unconstitutional authority. Justly offended, the Assembly refused to vote a revenue or to pass any acts, and they sent complaints to England of Burrington's "violence and tyranny." He received a reprimand from the Board of Trade, and was presently superseded by the late steward of Lord Wilmington, Gabriel Johnston, a Scotchman of knowledge and prudence, but whose policy sometimes degenerated into cunning. 1734. Nov

CHAPTER XXIV.

The governor of North Carolina had indeed a difficult part to play. The crown officers were to be paid out of the quit-rents. But the formation of a rent-roll and legal provision for the collection of these rents being left to the Assembly, it was very difficult to come to any arrangement satisfactory on the one hand to the rent-payers, of whom the Assembly was composed, and, on the other, to the governor and council, and the Board of Trade. The Assembly having been prorogued without passing any law, Johnston undertook to collect the rents on his own authority. But payment was resisted; and when the Assembly was again convened, the legality of the governor's proceedings was denied, and his officers, who had distrained for quit-rents, were imprisoned. Thus vigorously met, Johnston presently arranged with a new Assembly a quit-rent law, which he represented as having "restored peace to a turbulent people." But this law was rejected in England, as yielding too much to the demands of the Assembly. The quit-rents still continued a bone of contention, and the royal officers remained unpaid.

1734.

1735.

1737. March.

1739. Feb.

Under Gouch's rule Virginia enjoyed a long period of profound political quiet. Shortly after his accession the province obtained a printing press. Presently a newspaper began to be published at Williamsburg. Settlers gradually penetrated the Blue Ridge in that portion of it north of James River, and established themselves in the valley beyond. Finding the revenue run short, the Assembly availed itself of the hint of the Board of Trade, and imposed a duty on the importation of negroes of five per cent. on the value, "payable by the buyer." This duty, afterward considerably increased, and at times as high as twenty per cent., continued to be collected as long as Virginia remained a British colony.

1729.

1735.

1734.

Reproached for having returned the bow of a negro, "I should be much ashamed," Gouch replied, "that a negro should have better manners than I." This anecdote, almost the only thing recorded of Gouch, throws light on the policy of an eighteen years' administration, the undisturbed calm of which leaves almost a blank in the history of Virginia. CHAPTER XXIV.

Under Benedict Leonard Calvert, a younger brother of the lord proprietor of Maryland, five years governor of that province, acts were passed designed to promote the industry of the colony, offering bounties on flax, hemp, and iron. Departing for England, Calvert left the government to Benjamin Ogle, who was soon superseded by the arrival of the young proprietary in person. 1727. 1731. 1732

Among the bounties lately offered were premiums on the importation of gold and silver; but as this project for curing the scarcity of money did not succeed, the paper money loan system was now introduced. Ninety thousand pounds were issued in bills of credit, £1000 to go to each county for public buildings, £3000 toward a government house, a certain sum to the planters for burning refuse tobacco, and the balance to be lent to the inhabitants at four per cent., redeemable one third in 1748, and two thirds in 1764, the interest to constitute a sinking fund. Though made a legal tender for every thing except proprietary and clergy dues, the depreciation on these bills soon amounted to one half. 1733.

It was one chief object of the proprietary in visiting the colony to superintend the settlement of the line between Maryland on the one hand, and Pennsylvania and Delaware on the other, which the gradual advance of settlements on both sides now made desirable. Previous to his departure from England, Lord Baltimore had signed an agreement with the heirs of Penn, fixing as the southern

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boundary of Delaware a line commencing at Cape Cornelis, or, as it was called in this agreement, Cape Henlopen, to be drawn due west from Delaware Bay to the Chesapeake. The west boundary of Delaware was to be a tangent drawn from the middle point of this line to a circle of twelve miles radius round Newcastle. A due west line drawn through this tangent continued northerly to a parallel of latitude fifteen miles south of Philadelphia, was to be the southern boundary of Pennsylvania. The boundaries of these provinces were finally settled in conformity to this agreement, but not till after near twenty years of litigation. On his arrival in the colony, on the plea of misrepresentation and misapprehension, particularly in relation to the situation of Cape Henlopen, Lord Baltimore refused to be bound by his agree-

1734. ment, and he presently petitioned the king to be confirmed in possession of the whole peninsula between the Chesapeake and the Delaware. Some collisions having

1736. taken place on the borders under color of executing legal process, a royal order commanded the preservation of peace till the controversy could be decided in the English Court of Chancery. Baltimore returning to England to prosecute this suit, the administration passed again into the hands of Ogle.

1730. The paper money of the first Pennsylvania issues being about to expire, after much negotiation with the proprietaries an act was passed, increasing the amount to £75,000, and providing for its reissue in such quantities as to keep that sum in constant circulation for the next ten years. The proprietaries would consent to this arrangement only on condition of an equivalent for their loss on quit-rents by the depreciation of the paper; and they made it a part of their instructions to their governors to agree to no further issues. This prudent reserve,

imitated in Maryland, and enforced by the royal instructions in New Jersey and New York, saved the paper currency of the middle colonies from that excessive depreciation by which New England and the Carolinas were damaged and disgraced. There was not, however, a single colony in which the paper money stood at par. CHAPTER XXIV. 1730.

Upon the death of the widow Penn, and the abandonment of the claims of the elder branch, the sovereignty and territorial rights of the province were reunited, under the founder's will, in John, Thomas, and Richard, his sons by his second wife. John, the eldest, born in Pennsylvania during his father's last visit, possessed a double share. He presently visited the province, and 1734. remained a year or two, a much greater favorite than his second brother, Thomas, who came earlier and remained longer, but whose reserved manners and sordid disposition did not much recommend him to the esteem of his subjects. Neither of the sons possessed a spark of their father's genius.

The population of Pennsylvania, by immigration principally from Germany and the north of Ireland, was increasing at the rate of five or six thousand a year. Among the German immigrants were some Catholics. The erection of a Catholic Church in Philadelphia, and the open celebration of mass, attracted the attention of Governor Gordon. He proposed to enforce the English persecuting statutes, by which the celebration of mass was prohibited. But the council thought the Catholics protected by the Charter of Liberties, and they remained unmolested—the only Catholic Church allowed previous to the Revolution in any Anglo-American colony. The bulk of the German immigrants were either Lutherans or Calvinists. There came also Mennonists, and presently Moravians, enthusiastic German sects,

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whose principles, especially on the subject of war, were more or less allied to those of the Quakers. A new
1734. sect, called *Dunkers*, sprang up among the German immigrants—a sort of monastic order, of which some communities are still in existence. Most of the Irish immigrants were Presbyterians, a vigorous, energetic race, descendants of the Scotch settlers introduced into the north of Ireland by James I. and Cromwell. Among the immigrants from Wales were a few Baptists. The Quakers, though no longer a majority, still had entire political control of the province. Next to them in influence were the Episcopalians, more distinguished for wealth and intelligence than for numbers. All these sects supported their own religious worship in their own way, without the help of any compulsory laws.

Hitherto the settlements had been mostly confined to the three original counties on the Delaware, a narrow tract in the southeast corner of the province. A fourth
1737. county was now erected, called *Lancaster*. Each of the original counties had eight delegates in the Assembly, the city of Philadelphia two, and the county of Lancaster four.

The principal product of Pennsylvania was wheat, in which a considerable commerce was carried on with Spain, Portugal, and the West Indies. The price of proprietary lands was raised to £15 10*s*., about $45, the hundred acres, subject to a quit-rent of a halfpenny per acre. After the example of the founder, the proprietaries took care to reserve, out of every new tract surveyed, a tenth part of the best lands, under the name of manors, as their private property.

The Board of Trade struggled to keep the Assembly from trenching on what were esteemed the rights of British commerce. But as five years were allowed by

the charter for the presentation to the crown of enactments, which possessed, in the mean time, the force of laws, and as laws, though disapproved, might be again re-enacted with some trifling alterations, the Assembly managed, for the most part, to have things much their own way. CHAPTER XXIV. 1735.

After the death of the aged Gordon, Logan, so long the vigilant guardian of proprietary rights, administered the government for two years, as president of the council, till the arrival of George Thomas, the new deputy governor. 1736. 1738.

A few months before Burnet took possession of his new government of Massachusetts, Dummer, the lieutenant governor, had been coerced into signing, contrary to his instructions, an act for the issue of £50,000 in new bills of credit. In no other way could he obtain the small pittance of salary which the General Court allowed him. This coercive power had long been a subject of complaint on the part of the Board of Trade. Every successive governor of Massachusetts had been instructed to demand the establishment of a permanent salary for the office of £1000 sterling, $4444, annually. Seeing how delicate this matter was, Dudley had omitted to press it. It had formed one of Shute's grounds of quarrel with the House. Escorted into Boston with a parade and ceremony that gave him high notions of the "plenty of this great province," Burnet, in his first speech to the General Court, renewed the demand. 1728 Feb. July.

The House protested great readiness to grant ample and honorable support, especially to a governor for whom they had so high a personal respect; but they insisted on their right to do it by annual grant. They voted at once, as a salary for the first year, £1700 of their currency; but Burnet declined to accept any partial allow-

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ance, as being inconsistent with his instructions and his independence. Such a temporary grant could not be honorable, since it deprived him of the "undoubted right of an Englishman to act his judgment." The matter was argued on both sides at great length. The delegates might have been willing to compromise by voting a fixed salary for a term of years; Burnet might have been willing to accept a salary for his term of office. But neither party inclined to take the first step in yielding; and, after a tedious session, the court was prorogued.

1728.

The representatives sent to every town a statement of the points in dispute. The inhabitants of Boston, assembled in town meeting, warmly supported the representatives. To punish this "unnecessary forwardness" in the people of the capital, Burnet convened the next court at Salem. But the delegates insisted that Boston was the only constitutional place of meeting; and a two months' session was consumed in disputes.

1729 April.

The court, in their turn, attacked the governor. They addressed a petition to the king, principally, indeed, against his instructions, but partly, also, against his conduct—the exaction, especially, of certain fees, by which the governor attempted to make up the want of a salary. Francis Wilks, a New England merchant resident in London, was appointed colonial agent, and Belcher was sent from Boston to aid him. Belcher, for several years past, had been a member of the council, and always hitherto a warm prerogative man. But on this occasion he took the popular side, having presided at the Boston meeting called to approve the conduct of the representatives. As no vote of money could be carried through the council to pay a salary to these agents, the sum needed was raised by subscription.

A hearing before the Privy Council resulted in Burnet's favor, with a recommendation that "the whole matter be laid before Parliament." But this threat, of which the sincerity was doubted, failed of its intended effect. Already that storm of opposition, which finally swept Walpole from the helm, was rising in England. Should the conduct of the colony be brought before Parliament, the agents were promised support by the opponents of the ministry. 1729. May

In Massachusetts, meanwhile, new disputes had arisen. Burnet had reclaimed the appointment of attorney general, which, twenty years before, Lieutenant-governor Tailer had yielded to the court. The House retorted by requesting the grand juries to pay no attention to indictments presented by a pretended officer, whose appointment lacked their necessary concurrence. Burnet also refused his sanction to a practice, commenced in Shute's time, of inserting into money bills a provision that no payments should be made except by express vote of the General Court, whereas the charter authorized payments on the governor's warrant. Finding the representatives as firm at Salem as at Boston, the governor adjourned them to Cambridge. They complained of these repeated attempts at coercion, and transmitted to their agents new charges against the governor. Aug.

In the height of the contest, Burnet suddenly died of a fever. When this news reached England, Belcher became an applicant for the vacant office. Shute, whose appointment he had formerly obtained, aided his application. The ministry hoped, by his assistance, to compromise a quarrel of which they were tired; and, notwithstanding the part he had recently taken against Burnet, not a little to the surprise of the province, Belcher was commissioned as his successor. Sept.

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1729.

Besides his Massachusetts agency, Belcher was employed by the colony of Connecticut to assist their agent, Dummer, who died about this time, in a matter of no slight importance to that colony, and, indeed, to several others. John Winthrop, great-grandson of the first governor of Massachusetts, by an appeal from the Superior Court of Connecticut to the king in council, had brought into question the law of that colony, admitting daughters to share with sons as joint heirs, and distributing the lands among all the children equally, except a double share to the eldest son. This law of Connecticut, which was law also in the rest of New England, as well as in New Jersey, Pennsylvania, and Delaware, was set aside on the appeal, as contrary to the English law of inheritance—a decision not only in conflict with the sentiment of those colonies, but threatening to introduce a great uncertainty into landed titles by overthrowing the settlement of all landed estates. It was considered, therefore, a great point gained when the agents obtained a confirmation of the Connecticut law.

While Belcher was employed on this mission, Dr. George Berkeley, a distinguished advocate of the metaphysical doctrine of the non-existence of matter, arrived at Newport, and was admitted a freeman of Rhode Island. This ingenious philanthropist, whom Swift describes "as an absolute philosopher with regard to money, titles, and power," besides a handsome property, the bequest of Swift's Vanessa, had obtained, through the patronage of the Duke of Grafton, the Irish sinecure deanery of Derry, worth £1100 a year. Having conceived the project of founding a college in the Bermudas for the instruction of Indians and the education of missionaries, he proposed to resign his preferment, and to become rector of this college on a salary of £100 per annum.

He even persuaded three junior fellows of Trinity College to agree to accept fellowships in it at £40 a year. CHAPTER XXIV.

He had interested George I. in his plan, and, through the king's commands to Walpole, a vote of the House of Commons was obtained, authorizing the appropriation to this purpose of a portion of the money to be derived from the sale of the lands of that part of St. Kitt's ceded to England by the treaty of Utrecht. Being lately married, Berkeley proceeded to Newport, bought a farm, and built a house, intending to invest the funds of his college, when received, in American lands, and to make the necessary arrangements for a supply of pupils and provisions. Walpole regarded the whole scheme as visionary. George I. being no longer alive, no steps were taken toward furnishing the funds, and, after a residence at Newport of two years and a half, Berkeley returned, disappointed, to England. Shortly after his return he was made Bishop of Cloyne. His farm at Newport he gave to Yale College, and also a handsome collection of books. His famous stanzas "On the Prospect of Planting Arts and Learning in America" will outlive all his other productions. 1729.

The population of Rhode Island now amounted to eighteen thousand, of whom about one thousand were Indians, and upward of sixteen hundred negroes. Newport, from a little hamlet of religious enthusiasts, had grown up into a gay and thriving commercial town of five thousand inhabitants. "Here," wrote Berkeley, "are four sorts of Anabaptists, besides Presbyterians, Quakers, Independents, and many of no profession at all." There was also an Episcopal church, in which Berkeley often preached, and to which he gave an organ, one of the first set up in America. William Wanton succeeded Jenckes as governor of Rhode Island in 1732.

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John Wanton, chosen in 1734, held office for the next seven years. James Franklin, the founder of the unfor-

1732. tunate Boston Courant, established a newspaper at Newport, the first in Rhode Island.

Among the companions whom Berkeley brought with him to America was John Smibert, a Scotch artist, who married and settled at Boston in his profession of a portrait painter, an art which he first introduced into America. Smibert was by no means destitute of merit, as may be seen by his head of Bentivoglio at Cambridge, and his pleasing picture of Berkeley and his family, still preserved at Yale College, in which the artist himself appears as one of the figures.

By the somewhat modified instructions given to Belcher as governor of Massachusetts, he was authorized to accept a salary of £1000, to be paid the first thing out

1730. of the annual grants. When he met the General Court,

Sept. partly by flattery and partly by threats—by representing his own services on the one hand, and the expense and danger of the contest on the other, he did his best to bring about a settlementb; but, after repeated conferences between the council and the House, no result could be arrived at, and the court was dissolved.

To secure a majority in the next house, the governor courted the popular leaders by appointments to vacant offices, and even by making vacancies for them; but in the persons thus removed from office he made new and bitter enemies, while the popular leaders who accepted his patronage lost thereby a portion of their influence. The English press had told the Bostonians "how much their noble stand against the unconstitutional demands of Burnet had endeared them to all lovers and assertors of liberty in Britain." These encouragements, reprinted at Boston, strengthened the opposition. The new court

proved as unmanageable as the last; and, seeing no other chance for a salary, the secretary of state, at Belcher's earnest request, presently allowed him to accept a grant for a year. CHAPTER XXIV. 1731. March.

The extension of settlements into the interior led now to the erection of two new counties, *Worcester* and *Berkshire;* the first including the central hilly region between Boston and Connecticut River, the other the mountainous district west of the Connecticut Valley, extending as far as the boundary of New York—a boundary, however, as yet unsettled.

The salary dispute was hardly disposed of when another still more violent broke out. The appetite for paper money was strong as ever in Massachusetts. Belcher, however, adhered firmly to his instructions, and would consent to no new issues. He was also instructed not to consent to the insertion into money bills of that clause already objected to by Burnet, requiring, even in case of appropriations already made, an express vote of the General Court for payments from the treasury. Having vainly petitioned the king to withdraw these instructions, the General Court adopted the extreme measure of stopping the supplies, and for near two years all the public officers, and the soldiers in the frontier forts, remained unpaid. May.

The British merchants, meanwhile, renewed their complaints of colonial obstacles to the recovery of foreign debts; of the frauds perpetrated by excessive paper issues; of colonial duties imposed on British goods; of discriminations in favor of colonial ships; and of the extension of manufactures in America. The Board of Trade, in explanation of these grievances, reported "that, in Massachusetts, the chief magistrate and every other officer being wholly dependent, the governors are tempted 1732.

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1732.

to give up the prerogative of the crown and the interest of Britain. Connecticut, Rhode Island, and Maryland being under no obligation to transmit their laws, or, indeed, to give any account of their proceedings, it is not surprising that governments constituted like these should be guilty of many irregularities. Pennsylvania had evaded her charter, having transmitted since the year 1715 no acts of Assembly for the royal revision except occasionally an act or two. Even the royal governors had been negligent in sending in the bills which the provincial Legislatures frequently endeavored to enact repugnant to the laws and interests of Britain, which, however, had been always disapproved when at length received."

New instructions were sent to all the colonial governors to consent to no acts of Assembly which might injuriously affect the trade of the kingdom, or might give colonial traders any preference over British merchants; and a particular account was required of all manufactures set up, traffic carried on, or laws made, likely to prove disadvantageous to the mother country.

The parliamentary prohibition to manufacture in America woolen goods for exportation from one colony to another did not extend to hats, an article beginning to be largely produced in some of the northern colonies. But the English hatters were awake, and this trade was cut short not only by placing hats under the same restrictions with other woolen goods, but by forbidding any colonial hatter to take more than two apprentices at once.

Another act of Parliament, "for the more speedy recovery of debts in America," gave to proof by depositions all the validity of personal testimony, and subjected lands and slaves to execution for all demands, those upon simple contract as well as those upon bonds and specialties

—a modification of the English law on this subject, still the basis throughout the United States of the relation between debtor and creditor. CHAPTER XXIV. 1732.

Since the union, Scotland had enjoyed all the privileges of English commerce, while Ireland alone, of all the countries in the world, had been expressly excluded from any direct import trade with the colonies. The direct transport to Ireland of "non-enumerated articles" was now again conceded. But the only articles which Ireland could export to the colonies (and those only in English vessels) were horses, servants, provisions, and, since 1704, Irish linens.

At this not very auspicious moment, the General Court of Massachusetts voted a new petition to the king for the recall of the obnoxious instructions, with directions to their agent, if the petition should not be granted, to present it to the House of Commons. Belcher wrote in alarm to the Board of Trade, that "matters are hastening to such a crisis that government can not subsist if it is not vigorously maintained." "Had they sat a few days longer," he added, "the representatives would have voted the council a useless part of the Legislature." Dec.

The decision of the king, after hearing counsel, being adverse to the petition, the colonial agents appealed to Parliament "to become intercessors with his majesty to withdraw the royal orders, as contrary to their charter, and tending in their nature to distress, if not to ruin them." This appeal hardly received that support on the part of the opposition which the agents had been led to expect. The Commons resolved, after some debate, that the complaint was "frivolous and groundless, a high insult upon his majesty's government, and tending to shake off the dependency of the colony." The Board of Trade suggested to Belcher, that if the General Court 1733. May.

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persisted in refusing supplies, Parliament might think it necessary to interfere; and they desired to know "what
1733. duties may be laid in New England with the least burden to the people." Alarmed at these decisive steps, the representatives yielded at last, and voted supplies.

As the royal instructions had no force in Connecticut and Rhode Island, they could not prevent a torrent of paper money from that quarter. Connecticut, hitherto very cautious in her issues, now first adopted the loan system, and put out £50,000 on that plan. Rhode Island, more experienced and bolder, issued a new loan of £100,000. The merchants of Boston, anxious to participate in the profits of the paper money manufacture, agreed together to receive none of this last issue. As an offset to it, they formed a banking company of their own, which put out £110,000 in paper bills, redeemable in silver, a tenth part annually, at the rate of one pound in silver for three in paper—the current value at this time of the New England bills of credit. But these new issues having sunk the paper to four and a half for one, the merchants' notes became too valuable to circulate, and were hoarded by the holders. A similar company in New Hampshire undertook to issue similar bills: but this company was denounced in Boston as insolvent and fraudulent.

The Assembly of New Hampshire dissolved by the death of George I. had been in existence for five years —too long a term, in the opinion of the inhabitants of
1727. that province. The new Assembly limited its own ex-
Dec. istence and that of its successors to three years. The same act—a sort of Constitution for the province—gave the right of voting for members of Assembly to all persons, whether residents or not, possessing within the district for which the election was held a freehold property

of £50, $166. To be a representative one must pos- CHAPTER XXIV.
sess six times that qualification. The council, which
consisted of twelve members appointed by the king, ex- 1727
ercised judicial authority, also, as a Court of Appeals.
Burnet had easily obtained from the New Hampshire
Assembly a salary of £200 sterling, to continue for
three years, or so long as he held office; and a similar
grant was made to Belcher.

To the dispute with Massachusetts respecting the territory west of the Merrimac, a new one was added, as to the boundary between New Hampshire and Maine. That boundary, by Gorges's charter, was the Salmon Falls River, and a line from its northernmost head, extending "northwestwardly" sixty miles. According to Massachusetts, that line ought to run due northwest; New Hampshire insisted on its inclining just enough to the west not to be a north line. Had the claims of Massachusetts prevailed, New Hampshire, limited to the tract south of Lake Winnipisiogee and east of the Merrimac, might, perhaps, have been absorbed into the larger province—a reunion once earnestly desired, and still the wish of a portion of the people. But another portion, headed by Dunbar, surveyor general of the royal woods. who had received, on Wentworth's death, the appoint- 1733.
ment of lieutenant governor, violently opposed this annexation. Belcher, governor of both provinces, but accused of leaning to the interests of Massachusetts, had a difficult part to play. Fond of pomp and show, he lived in a style hitherto unknown in New England. He first established the Cadets, a select military company of aristocratic young men, to act as the governor's guard. He did not lack talent; he was a good deal of a political manager; but his lordly manner and free speech made him many enemies.

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The British merchants interested in the sugar trade complained loudly of the increasing traffic between North America and the French sugar islands, whence a supply of sugar and molasses was obtained free of those inter-colonial duties to which "enumerated articles" from British colonies were subject.

The New Englanders had even set on foot a manufacture of rum out of molasses purchased of the French, thus becoming competitors with the British sugar islands in that baneful but lucrative product. The chief seats of this New England distillation were Newport, which had risen to be the fourth or fifth town in the colonies, and Boston, which still remained the first, though Philadelphia and New York were now rapidly gaining upon it.

To put a stop to this traffic, and to compel the North American colonies to supply themselves with sugar, and especially with molasses and rum, from the British West Indies, a duty was imposed by act of Parliament equivalent to one cent per pound on sugar, twelve cents per gallon on molasses, and eighteen cents per gallon on rum imported from the French or Dutch West Indies Rhode Island protested against the passage of this act as "highly prejudicial to her charter," but the Commons refused to receive the petition on the ground that this was a money bill—the same ground assumed on a similar, but more momentous occasion some thirty years later. New York, in a petition to the Lords, alleged that it was only in the produce of the West India Islands that the northern colonies could be paid for their exports thither, which exports constituted their sole means for purchasing the manufactures of Great Britain. Partridge, the agent for New York, in his letter to the Duke of Newcastle inclosing this petition, took still

higher ground. "Besides the injury the bill will be in itself, almost tantamount to a prohibition, it is divesting the colonists of their rights as the king's natural-born subjects and Englishmen, in levying subsidies upon them against their consent, when they are annexed to no county in Great Britain, have no representatives in Parliament, nor are any part of the Legislature of this kingdom." CHAPTER XXIV.

The General Court of Massachusetts, vexed at the passage of this "Molasses Act," as it was called, severely reprimanded an inhabitant of that colony who had given evidence on the occasion before a parliamentary committee—a proceeding which occasioned a resolution of the House of Commons, "that the presuming to call any person to account for evidence given before that House was an audacious proceeding, and a high violation of their privileges." Limited at first to three years, the Molasses Act was continued from time to time. It was easier, however, to pass the act than to collect duties systematically evaded, not by a few smugglers only, but by the whole body of colonial traders. Large quantities of foreign molasses were imported, but the amount of duty paid upon it was very small.

In New York and New Jersey, Burnet had been succeeded by John Montgomery, gentleman of the bed-chamber to George II., to whose favor he owed the appointment. Of moderate abilities and mild temper, the new governor chose to avoid a quarrel with the Assembly of New York, to which, in spite of the remonstrances of the council, he conceded the right to fix and regulate salaries. He also omitted to hold the Court of Chancery, of which the Assembly denied the legality. In return for these concessions, he obtained the vote of a five years' revenue. During his administration, the boundary between New York and Connecticut was finally run 1728

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and settled, in substantial accordance with the agreement of 1683. The population of the city of New York, by an official census, now amounted to 8632, and that of the entire province to 50,289, of whom 7231 were blacks.

1731.

1732. Sept. William Cosby, a half-pay colonel, the successor of Montgomery, complained to the Board of Trade that "the example of the Boston people"—engaged, as we have just seen, in a violent struggle with their governor—had so far infected New York as to make the management of the delegates "more difficult than he could have imagined." He succeeded, however, by the influence of Delancey and Clarke, whom he adopted as favorites, in obtaining from an Assembly, continued from the time of his predecessor, a renewal of the five years' revenue. Delancey, a young man of decided ability, a native of the province, and a graduate of Cambridge, had been called to the council by Montgomery; Clarke, an Englishman, had immigrated to New York some thirty years before. Violent and mercenary, Cosby soon involved himself in a bitter quarrel with several members of the council, hitherto leading supporters of prerogative, including Van Dam, the president, Morris, the chief justice, Alexander, now secretary of the province, and Smith, an eminent lawyer, English by birth, an emigrant to the colony cotemporaneously with Alexander and Colden. Cosby brought a suit against Van Dam to recover half the fees which, as president of the council and acting governor, he had received in the interval between Montgomery's death and Cosby's arrival. A majority of the council denied the governor's right to preside over their legislative deliberations; and though the practice had been such hitherto, on an appeal to England the objection was sustained. Provoked by Morris's opposition, especially his adverse opinion in the suit against Van Dam,

Cosby deprived the chief justice of his office, and, without asking the consent of the council, appointed Delancey to fill it. He suspended Van Dam and several other counselors in the same arbitrary way, pretending to the Board of Trade "that it was necessary to insist on the king's prerogative at a time when his authority is so avowedly opposed at Boston, and proper to make examples of men in order to deter others from being advocates for Boston principles." 1732.

In this emergency, for the first time in America, the newspaper press was employed as a political engine. The *New York Gazette*, a newspaper established a few years before, was in the interest of the governor. The *Weekly Journal*, a new paper, published by John Peter Zenger, was filled with articles written by the dissatisfied counselors, freely criticizing the conduct of the governor, attacking the Assembly which had voted the five years' revenue, and even denying the legality of taxes, in the imposition of which, by his presence in the council, the governor had illegally participated. Not content with replying through the Gazette, Cosby and his expurgated council ordered the Journal to be burned by the sheriff, imprisoned the publisher, and prosecuted him for a libel. Smith and Alexander, retained as his counsel, denied the jurisdiction of the court on the ground of the illegal appointment of the chief justice. Their refusal to withdraw this objection was treated as a contempt, for which they were punished by being struck from the roll of practitioners. Zenger, however, did not lack a defender. On the day of trial, to the surprise of the prosecutors, there appeared in his behalf, having been secretly retained for that purpose, Andrew Hamilton, speaker of the Pennsylvania Assembly, a Quaker lawyer of Philadelphia, to whose reputation for experience and learning

1725.

1733.

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a venerable age gave weight. Hamilton offered to prove the truth of the alleged libel; but Delancey, following
1733. English precedents, would not admit it. He then appealed to the personal knowledge of the jury; no evidence was necessary; the facts were notorious; the jury knew the statements complained of to be true; and they ought to be obliged to Zenger for having published them. It was not his cause, it was the cause of the province. In spite of the instructions and efforts of the court, this appeal to popular feeling prevailed. The jury's verdict of acquittal was received with shouts of applause. The corporation of New York conferred the freedom of the city on the successful advocate. The freedom of the colonial press was vindicated; but, as too often happens in such cases, the poor printer, having served a purpose, was left to struggle, overwhelmed with debts, the victim of official odium.

1735. Cosby having died suddenly while these disputes were still raging, George Clarke, whom successive suspen sions had made senior counselor, claimed to fill, in that capacity, the vacant chair. The opposition maintained that Van Dam, whose suspension had never been confirmed in England, was still senior counselor, and, as such, entitled to the place of acting governor. Both Van Dam and Clarke assumed authority and issued orders; and so exasperated were parties, that it was only the two independent companies in garrison at New York that prevented them from actually coming to blows.

Confirmed in the temporary administration by the arrival of a royal instruction, and shortly after appointed
1737. lieutenant governor, Clarke endeavored to accommodate matters by calling a new Assembly. But the delegates would grant a revenue only for one year—a policy to which, thenceforward, they firmly adhered. Contrary to

former custom, Clarke did not sit with the council, which thus became a distinct branch of the Legislature.

The introduction of the paper money loan system into 1737
New York might serve to confirm Clarke's popularity, the more so as his consent to it could hardly be reconciled with the standing royal instructions. By an act now passed, £48,350 of new paper money was created, of which, to save appearances, and to give Clarke a pretense for passing the act, £8350 was to be applied to the current uses of the province. The remaining £40,000 was distributed among the counties, to be let out on loan for twelve years at five per cent., in sums of not more than £100 nor less than £25, secured by mortgages, the interest to be appropriated, first to take up the £8350, and then to the general uses of the province. The time of the repayment of the principal was extended by subsequent acts, but no increase in the amount loaned seems ever to have been made.

Smith and Alexander were restored to the bar. By
Smith's exertions, a law was passed disfranchising the 1738.
Jews, of whom a few had been settled in New York since the times of the Dutch regime, but whose rights were now sacrificed to religious bigotry.

In New Jersey as in New York, Montgomery was con- 1728.
tent with annual grants. He also added £20,000 to the paper currency. On his death the Assembly petitioned 1732.
for a separate governor; indeed, it had long been regarded as a grievance that the governor, the chief justice, and all the principal officers of the province should be resident in New York. This petition, however, was not granted, and Cosby's rule was equally turbulent in both provinces. After his death the wish of the people prevailed, and Lewis Morris, long president of the council, was compensated for his loss of the chief justiceship of

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1738.

New York, of which Crosby's violence had deprived him, by an appointment as governor of New Jersey. This appointment occasioned great rejoicings; but Morris—able to obtain only yearly grants, and dissatisfied with his salary of less than $3000, which was first reduced one half and then withheld entirely—grew more and more confirmed as to the truth of a statement he had formerly made, that the inclination, common to all the provinces, to render governors and all other officers entirely dependent on the people, "was nowhere pursued with more steadiness or less decency than in New Jersey."

On the banks of the Savannah a new colony, meanwhile, was struggling into existence. Its founder was James Edward Oglethorpe, a gentleman of family and fortune, an officer in the English army, a member of the House of Commons, already distinguished by his zeal against imprisonment for debt, and on the general subject of prison discipline, then first beginning to attract attention in England. Desirous to provide in America a place of refuge for such discharged prisoners and others of the suffering poor as might be willing to commence there a life of industry and sobriety, in conjunction with Lord Percival and several other noblemen and gentlemen, Oglethorpe petitioned the king to erect that part of the recently-purchased Carolina south of the Savannah into a new proprietary province, to be settled for this particular object. The favor of the merchants was conciliated by promises of wine and silk, proposed as staples for the new colony. Politicians were interested by the prospect of a military barrier for the rich but weak colony of South Carolina against the Spaniards, with whom difficulties and disputes were already arising. To zealous Protestants was offered a refuge for their continental brethren still exposed to religious persecution. The pi-

ous were attracted by promises of Indian conversion, that old pretext, not yet entirely worn out. The Board of Trade having reported favorably, a charter issued, conveying seven undivided eighth parts of the territory between the Savannah and the Altamaha, and from the heads of those rivers westward to the Pacific, to twenty-one trustees, "for establishing the colony of GEORGIA in America." Lord Carteret presently conveyed to the same trustees the remaining eighth part of the territory, appertaining to him as one of the late proprietaries of Carolina. These trustees, by the charter, had unlimited power to increase their own number, and exclusive right of legislation for the province for twenty-one years; but their acts had no force until first approved by the king in council, nor could they be repugnant to the laws of England. A "free exercise of religion" was guaranteed to all inhabitants "except papists," and to "all and every the persons that shall happen to be born within the said province," and their children and posterity, "all liberties, franchises, and immunities of free denizens and natural-born subjects," in all respects as if born within the kingdom of Great Britain. The executive affairs of the corporation were intrusted to a common council of thirty-four persons, fifteen nominated in the charter to hold office during good behavior, the remainder to be elected by the trustees, who were also to fill all vacancies. This common council might grant lands on such terms as they saw fit, but not to any trustee, directly nor indirectly, nor any greater quantity to the use of any one person, either entire or in parcels, than five hundred acres. The object was to prevent that engrossment of lands which had given rise to loud complaints in Virginia and Carolina. An annual account was to be rendered of the receipt and expenditure of all moneys.

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1732. June 9.

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1732. July.

The trustees entered on their office full of zeal and hopes. Their official seal had for its device a group of silk-worms, with the motto "*Non sibi sed aliis*"—"Not for themselves, but others." More than a hundred clergymen received, at their own request, commissions to collect funds for the trust. Twenty-four noblemen and gentlemen were specially commissioned for the same purpose. Several of the dignified clergy gave freely. The Society for the Propagation of the Gospel promised to co-operate. The directors of the Bank of England made a handsome donation. Great things were promised. The poor-rates were to be reduced, the work-houses and debtors' prisons emptied. Their unfortunate inmates, saved the necessity of a long servitude to pay for their passage, "carried gratis to a land of liberty and plenty," and furnished by the funds of the society with all necessaries for occupying their lands, "were to forget their sorrows" "in possession of a competent estate in a happier climate than they knew before." England was to be saved half a million sterling yearly in the article of raw silk. Madeira was to be outdone in wine, and Turkey in drugs.

Inconsiderate compassion led in the outset to a fatal mistake. So far as related to English emigrants, the trustees confined their charity to such as had fallen into misfortunes by trade—sailors, husbandmen, and laborers from the country, the very sort of persons needed for pioneers, were not permitted to share it. The colonists were thus selected from among the most helpless, querulous, and grasping portion of the community, men in a hurry to grow rich, not by their own labor, but by speculation and management. Great pains were taken to exclude those of bad morals, not, however, with very good success. Many of the English emigrants proved in the

end as worthless as they were discontented and troublesome.

1732. Oglethorpe volunteered to superintend the planting of the first colony, which the trustees had resolved to fix on the Savannah. For this enterprise thirty-five families, numbering about a hundred and thirty-five persons, embarked at Deptford, below London, in the Anne, of two Nov. 17. hundred tons, having with them a clergyman, a supply of Bibles, Prayer-books, and Catechisms, and a person to instruct in the production of silk; also a recorder, three bailiffs, two constables, two tithing-men, and eight conservators of the peace, appointed by the trustees—the recorder and bailiffs together to constitute a town court, with universal jurisdiction. Touching at Charles- 1733. ton, Oglethorpe and his colonists were liberally enter- Jan. 17. tained, and furnished, by vote of the South Carolina Assembly, with cattle, a supply of rice, and boats. The colonists were temporarily landed at Beaufort. Bull, president of the South Carolina council, volunteered his services to assist Oglethorpe in exploring the Savannah. A sandy bluff, wooded with pines, on the right bank of that river, about twenty miles from the mouth, high in comparison with the uniform level, was selected as the site for the town. This bluff, called Yamacraw, was occupied by a small band of the Creek confederacy; but, through the agency of Mary Musgrove, an Indian woman of the family of the Uchee chiefs, who had been educated in Charleston, and had afterward married an English trader, and who now acted as interpreter to Oglethorpe, the Indians were induced to consent to the settlement. Transferred thither, the colonists commenced the erection of their houses. In a formal council pres- May 18. ently held, to which all the chiefs were invited, the Creeks agreed to yield up to the settlers all the lands be-

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low tide-water between the Savannah and the Altamaha, except the three southern islands on the coast, and a reservation above the new town. That town, divided into four wards, and called *Savannah*, was laid out in lots of sixty feet by ninety, a garden near by of five acres being attached to each lot, and a farm of forty-five acres a little further inland. Beyond the town lands villages were to begin, every four to constitute a ward without, to be attached to a ward within, the object being that, in case a war should happen, "the villages without may have places in the town to bring their cattle and families into for refuge," for which purpose a square was left in every ward "big enough for the out wards to encamp in." A battery of five cannon commanded the river. On the land side a palisade was erected. An experimental garden of ten acres was laid out for vines, mulberry trees, and valuable drugs and exotics. A trustees' store-house was built, the keeper of which soon became the most important man in the colony.

A hundred and fifty new emigrants, sent over by the trustees, presently arrived; also forty Jews, fitted out with funds which three Jewish gentlemen had collected, but about the appropriation of which the trustees had not been consulted. Fearing to alarm the bigotry of the public, on whose charity they depended, or themselves, perhaps, sharing that bigotry, the trustees disclaimed any intention "to make Georgia a Jews' colony," and sent express orders to Oglethorpe to give these Israelites no encouragement. They remained, however, at Savannah, and opened a synagogue, and, though many of them subsequently removed to Charleston, their descendants have furnished many good citizens to Georgia.

In those valleys of the Eastern Alps included within the archbishopric of Salzburg, in which, long before Lu-

ther's time, seeds of the Reformation had sprung up, the Lutheran inhabitants, after many years of peace, had lately become objects of persecution by a zealous priest, at once spiritual and temporal sovereign of that principality. Their case excited much sympathy in England. The friends of Oglethorpe in Parliament had succeeded in obtaining for the use of Georgia the £10,000 originally promised to Berkeley's Bermuda College, and a part of that money was appropriated to pay the expenses of seventy-eight Salzburgers, who traveled across the continent from Augsburg, singing psalms on the way, descended the Rhine, embarked at Rotterdam, touched at Dover, where they had an interview with the trustees, and presently arrived in Georgia. This "evangelical community," as they called themselves, headed by the ministers Baltzius and Gronau, were established some distance above Savannah, at a village which they called *Ebenezer*, where they were joined from time to time by new recruits from Salzburg, and soon formed an industrious and thriving community.

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1733.

Dec. 2.

1734. March.

Too busy to accept an invitation from the General Court of Massachusetts to pay a visit to that province, Oglethorpe hastened to England, taking with him several Creek chiefs, also eight pounds of Georgia silk, out of which a robe was manufactured for the queen. There existed already at his departure, besides Savannah and Ebenezer, an intermediate settlement called Abercorn, two villages of Hampstead and Highgate four miles south of Savannah, and lodgments also at one or two other points.

April

Count Zinzendorf, leader of the Moravians or United Brethren, had opened a correspondence with the trustees, and, being promised a grant of land, ten of his followers presently arrived in Georgia, with special view to the

1635. Jan.

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conversion of the Indians. They established themselves on the Ogeechee, directly south of Savannah.

1735. To persons emigrating to Georgia at their own expense, except papists, who were not to be allowed at all, the trustees offered fifty acres of land for each indented servant—but no grant was to exceed five hundred acres. Servants, at the expiration of their service, were to be entitled to twenty acres each. Fifty acres, subject to a quit-rent of ten shillings, were granted to each emigrant sent out by the trustees. As the colony was to form a military barrier, all lands, on the failure of male heirs, were to revert to the trustees, saving dower to the widow. For the same reason, and to prevent the engrossment of lands, no alienations were to be allowed without special license. The use of rum was prohibited; and, the better to exclude this source of demoralization, all trade with the West Indies was forbidden. The trustees did not wish to see their province "void of white inhabitants, filled with blacks, the precarious property of a few, equally exposed to domestic treachery and foreign invasion." They prohibited negro slavery, not only as unjust and cruel—for so it was beginning to be esteemed by all the more intelligent and humane—but as fatal to the interests of the poor white settlers, for whose special benefit the colony had been projected.

An additional parliamentary grant of £26,000 having recruited the finances of the trustees, steps were taken for occupying the frontier toward Florida. A party of Scotch Highlanders, from the Glen of Stralbdean, with John M'Leod, of the Isle of Skye, for their minister,

1736. Jan. founded *New Inverness* on the Altamaha. A new company of two hundred and twenty-one persons, amply fitted out by the trustees, with the promise of a maintenance for a year, and even permission to take an in-

dented servant for each family, to be clothed and supported one year at the trustees' expense, embarked under Oglethorpe. With this embarkation went two young clergymen, John and Charles Wesley, famous afterward as the founders of Methodism. CHAPTER XXIV. 1736.

A new town, called *Frederica*, placed under a municipal government like that of Savannah, was established on the Island of St. Simon's. The inlet by which that island is separated from the main land was considered "the most southern stream of the Altamaha," and the island therefore within the limits of the charter. A post called *Augusta* was established by Oglethorpe's orders at the head of boat navigation on the Savannah. Besides the river, a horse-path through the woods connected Augusta with the lower settlements, and it soon became the seat of a vigorous Indian traffic. Several posts were also occupied along the coast south of Frederica, even as far as the St. John's, claimed for a boundary by the English by virtue of the Carolina charter and the Spanish treaty of 1670. But this approach toward St. Augustine gave great offense to the Spaniards. Feb.

The Wesleys, meanwhile, were not without their trials. Through the arts and falsehoods of two women, reformed prostitutes, admitted into the company at the earnest request of the Wesleys, but against Oglethorpe's opinion, Charles, who accompanied Oglethorpe to Frederica, fell into disgrace with his patron, and was treated for a while with much indignity. Oglethorpe's goodness of heart soon led, however, to an explanation, and Charles Wesley was sent to England as bearer of dispatches, whither Oglethorpe presently followed, to provide means of defense against the Spaniards, who had warmly remonstrated against his encroachments. Nov.

John Wesley, distinguished as yet only by a high de-

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gree of religious asceticism, and an ultra adherence to the rubric of that Prayer-book which he presently re-

1736. nounced, was much pleased at first with his situation as parish minister of Savannah. His parishioners were equally pleased with him, and balls were deserted to listen to his preaching. But his zeal and exactions soon gave offense. He himself also fell into a snare, becoming the lover of a young lady who made great pretensions to piety, as he suggests in his journal, on purpose to entrap him. The remonstrances of his friend Delamotte, the schoolmaster, and the advice of the Moravian elders, having induced him to break off this connection, the lady showed her spirit, and dissimulation also, as Wesley thought, by immediately marrying another person. Growing less scrupulous than formerly in the performance of her religious duties, Wesley, according to the strict rule he had laid down, after some public reproofs, which she took in very bad part, refused to admit her to the Lord's Supper. For this attack on her religious character, her

1737. husband claimed damages to the amount of £1000. The grand jury found two bills against Wesley, charging him with this and eight other abuses of his ecclesiastical authority, and also with speaking and writing to the lady against her husband's consent. Wesley denied the jurisdiction of the court as to the ecclesiastical charges. The quarrel grew hotter and hotter, and finally, by advice of the Moravians, he gave notice of his intention to proceed to England, there to lay the matter before the trustees. The magistrates having demanded a bond for his appearance to answer the suit against him, he refused to give it, and they, in consequence, forbade his departure. But "he saw clearly the hour was come; and, as soon as evening prayer was over, the tide then serving, he shook the dust off his feet," and left Georgia. He reach-

ed Charleston not without some hardships, and there em- CHAPTER XXIV.
barked for England; nor did he ever revisit America.

The lands of Lower Georgia were either sandy plains, 1737.
far from fertile, or swamps, which it required labor and perseverance to clear. The Germans at Ebenezer, the Highlanders at Darien, were industrious and contented, but the pampered and incapable English settlers, broken traders and insolvent debtors, complained of having been seduced to Georgia by false and flattering representations. They grumbled at the tenure on which they held their lands, and the trustees so far modified that tenure as to allow females to inherit, and the tenants, on failure of heirs, to dispose of their farms by will. They alleged that the use of rum, in that climate, was absolutely essential to health. They were very importunate for permission to hold slaves, without whose labors, they insisted, lands in Georgia could not be cultivated. The Salzburgers and Highlanders, laboring men themselves, remonstrated against slavery. The trustees peremptorily refused a request at total variance with the design for which they had established the colony. "Most of the early settlers were altogether unworthy of the assistance they received," so says Stevens, a recent and judicious native historian of the colony, who has written from very full materials. "They were disappointed in the quality and fertility of their lands; were unwilling to labor; hung for support upon the trustees' store; were clamorous for privileges to which they had no right; and fomented discontent and faction where it was hoped they would live together in brotherly peace and charity." What wonder that men so idle, thriftless, and ungrateful called loudly for slaves, whose unpaid labors might support them for life?

After repeated recommendations from the Board of

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Trade, the boundary dispute between Massachusetts and New Hampshire had been referred to commissioners, selected from among the counselors of Nova Scotia, Rhode Island, New York, and New Jersey. This commission, of which Philip Livingston, of New York, was president, met at Hampton, and, after hearing both parties, fixed the western boundary of Maine as it now runs—a decision very much in accordance with the claims of New Hampshire. Upon the other point they made only a hypothetical decision, dependent on the question whether the new charter of Massachusetts intended to include all the territory granted by the old one. If so, they assigned to Massachusetts the Valley of the Merrimac as high up as the inflow of Lake Winnipisiogee, whence the northern boundary was to be drawn due west. An appeal was taken by both parties, and the matter was thus carried before the king in council. The adroit agents of New Hampshire, that "poor, little, loyal, distressed province," knew well how to take advantage of prevailing prejudices against the "vast, opulent, overgrown" colony of Massachusetts, whose recent conduct in the disputes with Burnet and Belcher had not tended to propitiate ministerial good-will. So far as related to Maine, the decision of the commissioners was confirmed; while under the construction given by the English lawyers to the old charter of Massachusetts, a decision was made as to the other point which gave to New Hampshire a territory larger than ever she had claimed.

1737. Aug.

The most for which New Hampshire had asked was a southern boundary running due west from a point three miles north of the mouth of the Merrimac. The Privy Council decided, however, that this due west line should take its departure from a point three miles north of the southwesternmost bend of that river, thus giving to New

Hampshire twenty-eight entire townships, and parts of six others settled under grants from Massachusetts.

In another boundary dispute that province met with just as little success. The country conquered from Philip and the Wampanoags was claimed by Massachusetts as within the old Plymouth patent. This was contested by Rhode Island; and the commissioners to whom the question was referred assigned the whole tract 1741. to that colony, which thus, at length, after a struggle of a hundred years, vindicated its existing limits against the claims of its stronger neighbors.

Since the accession of the house of Hanover the population of the British North American colonies had doubled. It now amounted to a million, including, in the middle and southern colonies, a large number of immigrants from countries not subject to the British crown. Different courses had been adopted on the question of admitting these foreign-born immigrants to the rights of citizenship. By act of Parliament, a uniform system 1740. of naturalization was established on the basis of seven years' residence, an oath of allegiance, and profession of "the Protestant Christian faith."

Increased consumption and production rendered the colonies objects of increased interest to the merchants and statesmen of Great Britain. After a tedious infancy of more than a century, they had reached a point at which their progress became marked and rapid. Few, however, realized the geometrical rate of that progress, or perceived the necessity of conciliating by favor, or attaching by interest, those whom mere authority could not much longer control.

CHAPTER XXV.

GREAT BRITAIN ATTACKS THE SPANISH COLONIAL SYSTEM. THIRD INTERCOLONIAL WAR. GREAT REVIVAL. SLAVERY AND THE SLAVE TRADE.

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THE policy avowed by all the governments of Europe, of rendering their colonies planted in America exclusive-

1737. ly subservient to the interests of the parent state, was carried out by Spain with special rigor. From all the wide-spread provinces of Spanish America—through the jealousy of the mother country still a sort of unknown world—all but Spaniards were rigidly excluded. Even the commerce with Spain was limited to the single port of Cadiz, and burdened with restrictions, which raised the price of European merchandise to a high pitch, and held out the strongest temptation to smugglers.

The assiento enjoyed under the treaty of Utrecht by the English South Sea Company, the privilege, that is, of transporting to the Spanish colonies a certain number of slaves annually—a departure from her exclusive policy, forced upon Spain by the inefficiency of her own mercantile marine—was made a cover for an extensive smuggling trade on the part of the English, into which private merchants also entered. This traffic, which united dangerous adventure with hopes of high profit, absorbed the remnants of those buccaneers and pirates by whom the American seas had so long been infested The British government, in their zealous encouragement of this irregular trade, seem hardly to have considered

the blow they were striking at the very principles on which their own colonial policy was founded. CHAPTER XXV.

1737. To guard against these systematic infractions of their laws, the Spaniards maintained a numerous fleet of vessels in the preventive service, known as *guarda costas*, by which some severities were occasionally exercised on suspected or detected smugglers. These severities, grossly exaggerated, and resounded throughout the British dominions, served to revive in England and the colonies a hatred of the Spaniards, which, since the time of Philip II., had never wholly died out.

Such was the temper and position of the two nations when the colonization of Georgia was begun, of which one avowed object was to erect a barrier against the Spaniards of Florida, among whom the runaway slaves of South Carolina were accustomed to find shelter, receiving an assignment of lands, and, as a means of strengthening that feeble colony, being armed and organized into military companies.

1738 Jan. A message sent to St. Augustine to demand the surrender of the South Carolina runaways met with a point blank refusal, and the feeling against the Spaniards ran very high in consequence.

The South Carolinians ascribed to Spanish influence, or, at least, to the expectation of finding a refuge in Florida, an insurrection by a party of slaves, who armed themselves by plundering a warehouse, and marched through the country, burning several houses, and killing some twenty colonists before they could be suppressed.

Sept. Oglethorpe soon returned from his second visit to England, with a newly-enlisted regiment of soldiers, and the appointment, also, of military commander for Georgia and the Carolinas, with orders "to give no offense, but to repel force by force."

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Both in Spain and England, the administrators of the government were anxious for peace. Commissioners,

1739. mutually appointed, signed a convention to settle the

Jan. limits of Carolina and Florida, and to arrange the other points in dispute. But this proposed arrangement was scouted as unfavorable to England. Peace was not what the English desired. They despised the Spaniards as weak, and envied them as rich. The hope of plunder—a principal motive in all modern English wars—stimulated that passion for fight, always strong enough in British bosoms. The ferocious clamors of the merchants and the mob made it necessary to break off the negotiation, and absolutely forced Walpole into a war.

Traveling three hundred miles through the forests,

Aug. 21. Oglethorpe held at Coweta, on the Chattahoochee, just below the present site of Columbus, a new treaty with the Creeks, by which they confirmed their former cessions, acknowledged themselves subject to the King of Great Britain, and promised to exclude from their territories all but English settlers. After finishing the treaty, Oglethorpe returned through the woods by way of Augusta to Savannah, where he found orders from England to make an attack on Florida. He called at once on South Carolina and the Creeks for aid, and in

Dec the mean time made an expedition, in which he captured the Fort of Picolata, over against St. Augustine, thus securing the navigation of the St. John's, and cutting off the Spaniards from their forts at St. Mark's and Pensacola.

1740. South Carolina entered very eagerly into the enterprise. Money was voted; a regiment, five hundred strong, was enlisted, partly in North Carolina and Virginia. This addition raised Oglethorpe's force to twelve hundred men. The Indians that joined him were as

many more. Having marched into Florida, he took a small fort or two, and, assisted by several ships of war, laid siege to St. Augustine. But the garrison was a thousand strong, besides militia. The fortifications proved more formidable than had been expected. A considerable loss was experienced by a sortie from the town, falling heavily on the Highland Rangers. Presently the Indians deserted, followed by part of the Carolina regiment, and Oglethorpe was obliged to give over the enterprise.

1740. May. July.

The troops were hardly returned when Charleston was laid in ashes by an accidental fire, the damage being estimated at a million of dollars. The British government, always more careful of the southern than the northern colonies, voted a tenth part of that amount for the relief of the sufferers. From the time of this repulse, the good feeling of the Carolinians toward Oglethorpe came to an end. Many of the disappointed Georgia emigrants had removed to Charleston, and many calumnies against Oglethorpe were propagated, and embodied in a pamphlet published there. The Moravians also left Georgia, unwilling to violate their consciences by bearing arms. Most unfortunately for the new colony, the Spanish war withdrew the Highlanders and others of the best settlers from their farms to convert them into soldiers.

Though forced into the war against his inclination, Walpole resolved to carry it on with spirit. While Anson sailed for the Pacific to renew the enterprise of Drake by ravaging the coasts of that ocean, a great fleet was dispatched to the West Indies to re-enforce Vernon, already master of Porto Bello and Chagres, depôts on the Atlantic side of the Isthmus of Panama for all the merchandise destined for the Pacific. This

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fleet conveyed an army, led by Cathcart, the greatest yet seen in the West Indies. All the North American colonies, except the infant one of Georgia, were called upon to aid, and all furnished their quotas to an American regiment of thirty-six hundred men, commanded by Spotswood, colonial postmaster-general, and late governor of Virginia. To obtain means, the Assembly of Virginia raised the duty on slaves imported to ten per cent. The men of her quota were levied by impressment from among "the able-bodied persons in every county who follow no lawful calling or employment." The Quaker Assembly of Pennsylvania still scrupled to vote money expressly for war; but, on the strength of former precedents, they promised £4000 for the king's use, leaving to Governor Thomas the responsibility of its application. Thomas obtained recruits among the indented servants, many of whom took the opportunity to discharge themselves from the service of their masters by entering into that of the king. The Assembly remonstrated; and when Thomas refused to discharge the enlisted servants, they kept back the £4000, and applied it to indemnify the masters, leaving Thomas to pay the expense of his enlistments by bills on England.

A very warm controversy ensued on the questions of a militia, fortifications, and measures of defense. Thomas's dispatches, containing strictures on the non-resistant policy of the Assembly, surreptitiously obtained by Partridge, colonial agent in London, and published in Philadelphia, produced great excitement. The Quakers were less than a third part of the population; but their wealth and union gave them control of the Assembly, in which they filled most of the seats. They were also warmly supported by the Germans, who did not favor taxes, and who were little disposed to serve as militia-men. The

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Episcopalians, the Presbyterians, the merchants of Philadelphia, the proprietaries who had renounced Quakerism, and the Board of Trade, united to sustain Thomas and his policy of military defense. 1741.

Philadelphia was now a city of twelve thousand inhabitants, some of whom, in a petition to the Assembly, very strongly worded, and headed by the mayor, represented their defenseless situation, and demanded protection. This petition was pronounced by the Assembly "a paper extremely presuming, indecent, insolent, and improper to be presented to this House;" and in "drawing in so many persons to be partakers with him therein," the mayor was pronounced to have "exceedingly misbehaved himself, and to have failed greatly in the duties of his station."

The doctrine was set up that the proprietaries were bound under the charter themselves to provide for the defense of the province, for which purpose, it was contended, the quit-rents and other proprietary revenue had been granted. But this doctrine, after a special hearing by counsel, was emphatically rejected by the Board of Trade. The Assembly, meanwhile, to demonstrate their patriotism and their readiness to share in the burdens of the war, voted £3000, to be appropriated to the king's use. From this time forward recommenced a warm controversy between the proprietaries on the one side and the Assembly on the other, scarcely intermitted so long as the proprietary system lasted. 1742.

The call upon Massachusetts to aid in the expedition of Cathcart and Vernon found that province, as usual, in bitter controversy with the governor. The laws authorizing the existing circulation of paper would all expire in 1741. The rapid withdrawal of the paper, operating like a bank contraction in our day, but with more stringency, produced a rapid appreciation of the curren- 1740.

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cy, a fall of prices, and a severe money pressure. But, in spite of all attempts to starve him into compliance, 1740. Belcher adhered resolutely to his instructions, and would agree to no acts extending the period of redemption, or authorizing new issues. Hence the revival of former schemes for joint-stock banking. Two companies were started; one, known as the "Silver Scheme," proposed to issue £150,000 in notes, redeemable in silver at the end of fifteen years; the "Manufactory Scheme," or "Land Bank," undertook to circulate double that amount, to be redeemed at the end of twenty years in colonial produce. The silver scheme was patronized by the merchants and traders, the Land Bank by the farmers and mechanics. Belcher zealously opposed both; and he took away the commission of all officers of the militia and justices of the peace who had any thing to do with either. In spite, however, of the governor's proclamation, notes were issued by both companies, and those of the Land Bank especially were largely pushed into circulation. That company had eight hundred stockholders, and held complete control over the House of Representatives. Belcher even apprehended an insurrection to compel him to give his assent to the scheme. His opponents, however, served their end more effectually by plotting his removal, and, by the help of barefaced and unscrupulous falsehoods, presently succeeded in obtaining it. Thunderstruck at this unexpected blow, Belcher hastened to England, vindicated his conduct, and obtained the promise of the first vacant government in America.

The operation of the Massachusetts banks was cut short by an act of Parliament, extending to the colonies that act of the previous reign occasioned by the South Sea and other bubble schemes, which prohibited the form-

ation of unincorporated joint-stock companies with more than six partners. This act was denounced in Massachusetts as an interference with the provincial charter, and in South Carolina as a violation of provincial rights. But the Massachusetts companies were compelled to wind up; the partners were held individually liable for the notes; and the Manufactory Scheme especially, the affairs of which remained unsettled for several years, proved very ruinous to such persons concerned in it as had any thing to lose. Earnest efforts on behalf of these unfortunate speculators, of whom his father was one, first introduced into politics Samuel Adams, afterward so celebrated, then a very young man, a recent graduate at Cambridge, designed for the ministry, but compelled by his father's embarrassments and speedy death to turn his attention to trade, in which, however, he had but little success. At his graduation, Adams had sustained, as a thesis, "that to save the commonwealth the supreme power might lawfully be resisted." His position as well as his temperament connected him with the party in opposition to the government. His time, however, was not yet come. Some twenty-five years hence we shall find him a leading spirit.

1741.

William Shirley, Belcher's successor as governor, a man of prudence and sagacity, an English lawyer, whom an eight years' residence at Boston in the practice of his profession had made acquainted with the temper of the people, attained a degree of popularity unknown to governors of Massachusetts since the days of Bellamont. The breaking out of the war, and the expenses of the troops sent to the West Indies, served to excuse a new issue of provincial paper, to which, in spite of the opposition of the Board of Trade, the new governor obtained permission to consent. This removed one ground of dis-

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pute. The question of salary was settled by a tacit understanding that, while Shirley continued in office, the

1741. General Court should make him an annual allowance equivalent to £1000 sterling.

New Hampshire, so long included under the same commission with Massachusetts, was gratified by receiving a governor of its own—an appointment held for the next twenty years by Benning Wentworth, a native of the province, son of the former lieutenant governor.

The armament under Vernon proved signally disastrous. While the fleet, with twelve thousand soldiers on board, was blockading the city of Carthagena, the yel-

April low fever, that scourge of West Indian warfare, broke out with great fury. Cathcart and Spotswood were already dead. The command had devolved on General Wentworth, who could not agree with Vernon. After

May 19. several unsuccessful attacks on the city, the enterprise was abandoned with immense loss.

July. Vernon subsequently sailed against Cuba, and five hundred additional troops were sent from Massachusetts to take part in that enterprise. But nothing came of it. The whole expedition turned out a complete failure. The colonial troops had been condemned to the hardest drudgery of the service, and out of four thousand men not a tenth part ever returned.

Anson's fleet had been scattered by storms, and the hopes of plunder in the Pacific in a great measure disappointed. British commerce was itself a prey to privateers. That war, into which British cupidity had rushed so headlong, was now seen to be a serious matter. Other clouds also lowered in the horizon. A new war had broken out in Europe, kindled by the cupidity of Frederic of Prussia, who sought to plunder Maria The-

resa of a part of her Austrian dominions. France was the ally of Frederic. To support Austria against France had long been the policy of England. France, on the other hand, inclined to assist Spain. War between France and England was evidently approaching. What was still more alarming, a fermentation among the partisans of the exiled Stuarts, especially in Scotland, threatened even a domestic war. 1742.

Freed from the terrors which Vernon's fleet had inspired, an expedition was fitted out at Havana against Georgia and Carolina. Monteano, the Spanish general, had a force of three thousand men; but, ignorant of the coast and of the proper objects of attack, he wasted his time among the inlets on the Georgian coast. By help of an artful stratagem, Oglethorpe, with a much inferior force, repelled an attack on Frederica, after which the Spaniards embarked and returned to Cuba. Charleston, meanwhile, was in the greatest alarm. Had the Spanish general known his business, he would have sailed directly thither. After the Spanish fleet had retired, a garrison of five hundred men arrived, sent by Vernon from the West Indies. June. July.

In addition to the war and the dread of negro revolt, quit-rents and crown lands constituted in South Carolina leading topics of political interest. An agent sent from England to investigate this subject was thwarted, foiled, and defeated by Lieutenant-governor Bull and the council, stimulated, as the Board of Trade suspected, by letters from James Glen, a South Carolina proprietor, appointed governor, but who delayed his departure for several years. When at length he arrived, Glen was received with favor as one who had watched over the rights of the province. The Board of Trade accused him of disregarding his instructions, and frequent be- 1741. 1743. Dec.

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trayal of the rights of the crown. He found occasion to complain, in his turn, of the encroachments of the council and the "leveling principles" of the Assembly.

1743. Glen cultivated with care the friendship of the Cherokees, the Creeks, and the more distant Choctaws; and, at his earnest request, as a further security against Spanish invasion and negro revolt, with rumors of which the province was constantly disturbed, the English government conceded two additional independent companies in the pay of the crown. The three independent companies in South Carolina, and the four in New York, constituted, at this time, the British standing army in North America.

Charges were made against some of the Charleston merchants of an illicit trade carried on with the Spaniards. As there was no court in the province which had jurisdiction of offenses committed out of its limits, several persons indicted for this offense were sent to England for trial.

While Oglethorpe was engaged in repelling the Spaniards, the trustees of Georgia had been fiercely assailed by their discontented colonists. They sent Thomas Stevens to England with a petition containing many charges of mismanagement, extravagance, and peculation, to which the trustees put in an answer. After a thorough examination of documents and witnesses in committee of the whole, and hearing counsel, the House of Commons resolved that "the petition of Thomas Stevens contains false, scandalous, and malicious charges;" in consequence

1742 June 29 of which, Stevens, the next day, was brought to the bar, and reprimanded on his knees. Yet he was not wholly unsuccessful, for it was part of the same resolves "that it will be an advantage to the colony of Georgia to permit the importation of rum;" in consequence of which,

the trustees felt obliged to repeal their prohibitory law. CHAPTER XXV.
A strong effort in the House to sanction also the importation of negroes was defeated by a majority of nine.

Oglethorpe himself had been a special mark of the malice and obloquy of the discontented settlers: Besides troubles and apprehensions from papist spies and mutineers, there had been much dispute and many duels in his regiment. Presently his lieutenant colonel, a man who owed every thing to Oglethorpe's favor, re-echoing the slanders of the colonists, lodged formal charges 1743.
against him. Oglethorpe proceeded to England to vindicate his character, and the accuser, convicted by a court of inquiry of falsehood, was disgraced and deprived of his commission. Appointed a major general, 1744.
ordered to join the army assembled to oppose the landing of the Pretender, marrying also about this time, Oglethorpe did not again return to Georgia. The former scheme of administration having given rise to innumerable complaints, the government of that colony was intrusted to a president and four counselors. The presi- 1743.
dent was William Stevens; father of the late agent of the May.
colonists, a graduate of Cambridge, and for many years a member of Parliament, but whose great age, upward of seventy, was a serious disqualification. He was a faithful servant, however, of the trustees, in whose employment he had acted as colonial secretary since the first planting of Savannah.

Cotemporaneously with the breaking out of the Spanish war there occurred in America a remarkable religious excitement, known in our ecclesiastical annals as the "Great Revival." Wesley's visit to Georgia and return have been already mentioned. As he landed in England, he encountered, just embarking for Georgia, his 1738.
friend and coadjutor, George Whitefield, hardly less fa- Jan.

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mous than himself in religious annals. On behalf of the children in Georgia left destitute by the death of their
1738. parents, victims to the climate, or to ignorance and imprudence, Whitefield had resolved to found an orphan house; and to collect money for that purpose he undertook a religious tour through England and the colonies.
1739. The vivid imagination and pathetic eloquence of this young and enthusiastic preacher attracted crowds of hearers wherever he went, and resuscitated and gave new vitality to old religious ideas, for some time past very much on the wane. Having collected money both
1740. in England and America, the orphan house was founded
March. about nine miles from Savannah, and placed under the charge of James Habersham, who had accompanied Whitefield to Georgia as religious companion and disciple. To collect additional funds for its support, Whitefield revisited the northern colonies.

Already a religious reaction had commenced in New England, headed by Jonathan Edwards, whose treatises on religious metaphysics are still read and admired. Edwards had settled at Northampton as colleague to his grandfather, the latitudinarian Stoddard; but, after Stoddard's death, he had repudiated the system of the half-way covenant, and had put himself forward as the champion of the old dogmas of the sole right of the sanctified to enjoy the privileges of church members, and of salvation by faith alone. Whitefield held similar views, differing somewhat in that respect from Wesley, who inclined to ascribe a certain efficacy to works, or, at least, to worship.

After preaching with great success through the south-
Sept ern and middle colonies, Whitefield was invited to New England, where excitement rose to a high pitch. The revivalists, in many places, ran into great extravagances, evincing their emotions by outcries, contortions, and bod-

ily exercises, regarded by many as visible evidence of the workings of divine grace. They also took upon themselves that tone of superiority and castigation, so characteristic of reformers, but very unpalatable to those who hitherto had possessed the high places in the church. The ministers were especially alarmed at the invasion of their vested rights by volunteer preachers in other men's parishes, especially lay exhorters and itinerants. The Congregational Establishment of New England was soon shaken by a violent internal controversy between the revivalists, called "New Lights," and the "Old Lights," among whom the Latitudinarians ranged themselves, as opposers of this new scheme of religious agitation. Chauncy, a man of no mean ability, successor of Wilson, Cotton, Norton, and Davenport, in the First Church of Boston, and the head of the Latitudinarian party, in his "Seasonable Thoughts on the State of Religion in New England," gives but a dark picture of the disorders, uncharitableness, and indecorums resulting from the labors of the New Lights. Nor could he discern among these objectionable results any of those "fruits of holiness" which he esteemed the essential part of religion. On the other hand, fifty-nine Massachusetts ministers, confessing, indeed, to some extravagances, expressed their satisfaction, nevertheless, at "a happy and remarkable revival of religion in many parts of the land, through an uncommon divine influence." Edwards had already taken the same ground in his "Thoughts on the Revival of Religion."

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1740.

1743.

This controversy raged with special violence in Connecticut, where Jonathan Law, governor from 1741 to 1751, was very active against the revivalists. By way of clog on the activity of those who had espoused the New Light side, it was enacted, that all settled minis-

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ters of the colony who should preach in any parish not their own, without express invitation, should lose all legal remedy in their own parishes for the recovery of their salaries; and if they came from other colonies, should be arrested and sent away as "vagrants." A law had been enacted, in the terms of King William's Toleration Act, allowing to Episcopalians and other "sober Dissenters" the right to set up their own places of worship. But when the New Lights began to avail themselves of this law to establish separate societies, this provision was declared not to apply to Congregationalists or Presbyterians. After a virulent controversy for nine or ten years, in a new edition of the Connecticut laws the acts aimed at the New Lights were silently dropped without any formal repeal.

1742. 1743. 1750.

During these religious excitements, the Baptists of New England received a new impulse. That sect, hitherto very limited in number, began now to increase, and a large number of the separatist New Light congregations presently adopted Baptist views.

In the middle and southern colonies, the Presbyterians from Scotland and the north of Ireland, though divided by Whitefield's preaching into two hostile synods, began now, kindled into new zeal, to grow up into formidable rivals to the Episcopal Church. It was in vain that the governor and council of Virginia put in force against the new religionists the remnants of the old persecuting laws. Even in that province anti-Episcopal ideas spread widely; and an act was passed, giving in express terms to the parish vestries what they had long possessed in fact, the selection of their own rectors.

1748.

Whitefield visited the colonies at intervals till his death in 1770. We must date from this era, though not fully carried out till a much more recent period, that organized

system of revivals and religious excitements, pushed, at times, to a very high pitch, and not without important results, still in progress of development, upon the moral and intellectual character of our people. 1740

Among the fruits of this religious revival were new attempts at the instruction and conversion of the Indians. David Brainerd, one of the New Lights, expelled from Yale College for having spoken of a tutor as "destitute of religion," devoted himself to this service, first among the Indians on the frontiers of Massachusetts and New York, and then among the Delawares of New Jersey. 1742. Moravian missionaries made some converts among the Indians of Connecticut and New York. Driven from those provinces by the hostile jealousy of the inhabitants, who stigmatized them as papists, they found refuge with their converts in Pennsylvania, and established themselves at Gnadenhutten, on the Lehigh, whence their influence spread among the neighboring tribes of the Delawares. 1748. Edwards, subsequently to his dismissal from Northampton, which place, after long and sharp contests with his parishioners, he was obliged to leave by reason of his unpopular attempts to enforce church discipline, became preacher to the Housatonic Indians at Stockbridge. 1750. Eleazer Wheelock, minister of Lebanon, in Connecticut, one of the most zealous of the New Lights, presently established in that town an Indian missionary school. That school, removed afterward into New Hampshire, became ultimately Dartmouth College. 1754

Henry Melchior Muhlenburg, from Hanover, in Germany, who arrived at Philadelphia shortly after Whitefield's second visit, and settled over a German Lutheran congregation in that city, to which he ministered for forty-five years, may be justly considered as the corner-stone of the German Lutheran Church in America. 1742.

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1742.

A religious revival, of which Wesley and Whitefield were the chief apostles, commenced about the same time in the mother country. Besides the Methodist Episcopal Church founded by Wesley, the decayed and feeble congregations of the Baptists and Independents received new life, and presently came forward to fill that place as a dissenting body formerly occupied by the Presbyterian Nonconformists, most of whose congregations had dwindled away or lapsed into Unitarianism. Even the Church of England felt the impulse. The Low Church party was arrested in its Latitudinarian career, to be gradually brought back to what was presently called "evangelical" ground. A similar process took place also in the established Church of Scotland. Wesley and Whitefield must be reckoned the chief apostles of that modified system of Puritanism which, under the names first of "Methodism" and then of "evangelical religion," has exerted so notable an influence over the English race in both hemispheres. But these changes, both in Britain and America, were the work of time; a long period was yet to elapse before the predominance of evangelical views became fully established.

It was one consequence of the check to Latitudinarian ideas, growing out of this religious revival, greatly to diminish in the public estimate that high importance ascribed to learning by the Puritan founders of New England. This triumph, however, of faith over learning was more apparent than real. As the necessity of education to qualify men to be teachers of religion and morals diminished in the popular view, reason and learning, not needed in the pulpit, found other avenues to the public mind.

Notwithstanding all the efforts and remarkable success of the revivalists, from that day to this religion has

gone on declining in political and historical importance. The modern doctrines of religious freedom and free inquiry have constantly gained ground, throwing more and more into the shade that old idea, acted upon with special energy by the Puritan colonists of New England—deep traces of which are also to be found in every North American code—the theocratic idea of a Christian commonwealth, in which every other interest must be made subservient to unity of faith and worship, the state being held responsible to God for the salvation of the souls intrusted to its charge. CHAPTER XXV. 1742.

Abandoning a thought which for centuries had dazzled the imagination of Christendom, giving rise to a thousand heroic efforts, but the impracticability of which was now becoming apparent, the revivalists fell back on the notion of individual salvation. Adopting a quietistic theory; leaving politics to worldly men or the providence of God; they made it their prominent idea not so much to save the commonwealth as to save themselves; and so religion, conspicuous hitherto as the glowing, sometimes lurid, atmosphere of our historical picture, fades henceforth, almost vanishes from the canvas.

While Vernon's expedition still occupied the hopes and fears of the colonists, the city of New York became the scene of a cruel and bloody delusion, less notorious, but not less lamentable than the Salem witchcraft. That city now contained some nine or ten thousand inhabitants, of whom twelve or fifteen hundred were slaves. Nine fires in rapid succession, most of them, however, merely the burning of chimneys, produced a perfect insanity of terror. An indented servant woman purchased her liberty and secured a reward of £100 by pretending to give information of a plot formed by a low tavern-keeper, her master, and three negroes to burn 1741. April

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the city and murder the whites. This story was confirmed and amplified by an Irish prostitute convicted of a
1741. robbery, who, to recommend herself to mercy, reluctantly turned informer. Numerous arrests had been already made among the slaves and free blacks. Many others followed. The eight lawyers who then composed the bar of New York all assisted by turns on behalf of the prosecution. The prisoners, who had no counsel, were tried and convicted upon most insufficient evidence. The lawyers vied with each other in heaping all sorts of abuse on their heads, and Chief-justice Delancey, in passing sentence, vied with the lawyers. Many confessed to save their lives, and then accused others. Thirteen unhappy convicts were burned at the stake, eighteen were hanged, and seventy-one transported.

The war and the religious excitement then prevailing tended to inflame the yet hot prejudices against Catholics. A non-juring schoolmaster, accused of being a Catholic priest in disguise, and of stimulating the negroes to burn the city by promises of absolution, was condemned
Aug. 29. and executed. Glutted with blood and their fright appeased, the citizens began at last to recover their senses. The informers lost their credit, and a stop was put to these judicial murders.

Sept. In a last effort "to recall the delegates of New York to their duty," Clarke, the lieutenant governor, addressed the Assembly in an historical discourse, in which he traced the progress of their encroachments; how they had begun by demanding a treasurer of their own, first for extraordinary grants, and then for the ordinary revenue; how they next had refused to vote money in a lump, and substituted special appropriations for particular objects, "subverting the Constitution" by assuming to fix the salaries of all officers, who were thus made depend-

ent, not on the crown, but on the Assembly; and how, finally, they had declined to vote any taxes at all, except from year to year. He concluded by pressing the grant of a standing revenue as the only means of removing a jealousy which for some years had obtained in England, "that the plantations are not without thoughts of throwing off their dependence." The Assembly, in an historical reply, showed by what misappropriations of money and other official abuses they had been gradually driven into their present position. As to independence, they took it upon themselves to vouch that not one person in the province had any such thought or desire, "for under what government can we be better protected, or our liberties so well secured?" Clarke probably meant by "independence," as did others by whom the word was used, not formal separation from the mother country, but uncontrolled regulation of local affairs. Unsupported by Newcastle, to whom he applied, after a vain struggle, Clarke yielded to necessity, and accepted such conditional and temporary grants as the Assembly chose to make. CHAPTER XXV. 1741.

The same policy was adopted by Clarke's successor, George Clinton, an admiral in the navy, a younger son of the Earl of Lincoln—that same family so intimately connected with the early settlement of Massachusetts—and father, also, of a future commander-in-chief of the British armies in America. Shortly after Clinton's arrival, the Assembly passed an act limiting its own existence and that of future Assemblies to seven years. The Triennial Act formerly passed had been rejected in England; but, as this septennial act was founded on parliamentary precedent, its approval could not well be refused. As the impending war with France might lead to invasion from Canada, the Assembly voted money to 1743. Aug.

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fortify Albany and Oswego. Delancey at first had the leading influence with Clinton, but a quarrel springing
1744. up between him and the governor, his place as chief adviser was filled by Colden. This drove Delancey into a course of popular opposition, for which he had remarkable talents.

The Six Nations still retained the right to traverse the great valley west of the Blue Ridge. Just at this inopportune moment, some of their parties came into bloody collision with the backwoodsmen of Virginia, who had penetrated into that valley. Hostilities with the Six Nations, now that war was threatened with France, might prove very dangerous, and Clinton hastened to secure the friendship of these ancient allies by liberal presents; for which purpose, in conjunction with com-
June. missioners from New England, he held a treaty at Albany. The commissioners assembled on this occasion proposed to Clinton an association of the five northern colonies for mutual defense. But the New York Assembly, in hopes to secure the same neutrality enjoyed during the previous war, declined this proposal. The difficulties between Virginia and the Six Nations were soon after
July. settled in a treaty, held at Lancaster, to which Pennsylvania and Maryland were also parties, and in which, in consideration of £400, the Six Nations relinquished all their title, as the Virginians claimed, though the Indians did not so understand it, to the whole valley of the Ohio.

While the western frontier was thus secured, New England received intimation of the breaking out of the expected war with France, in an expedition which crossed
May 24. over from Cape Breton, broke up the fishery, and attacked and captured Fort Canso, at the northeastern extremity of the Nova Scotian peninsula. Annapolis was twice besieged by a body of Indians and Canadians, headed, it

was said, by a priest, but was relieved by assistance sent from Massachusetts. Privateers, issuing from Louisburg, proved a great annoyance to New England commerce, and threatened the entire destruction of the fisheries. The Eastern Indians commenced also their fifth war on the frontiers of Maine. CHAPTER XXV. 1744.

Louisburg, on which the French had spent much, was by far the strongest fort north of the Gulf of Mexico. But the prisoners of Canso, carried thither, and afterward dismissed on parole, reported the garrison to be weak, and the works out of repair. So long as the French held this fortress, it was sure to be a source of annoyance to New England; but to wait for British aid to capture it would be tedious and uncertain, public attention in Great Britain being much engrossed by a threatened invasion. Under these circumstances, Shirley proposed to the General Court of Massachusetts the bold enterprise of a colonial expedition, of which Louisburg should be the object. After six days' deliberation and two additional messages from the governor, this proposal was adopted by a majority of one vote. A circular letter, asking aid and co-operation, was sent to all the colonies as far south as Pennsylvania. In answer to this application, urged by a special messenger from Massachusetts, the Pennsylvania Assembly, still engaged in a warm controversy with Governor Thomas, voted £4000 of their currency to purchase provisions. The New Jersey Assembly, engaged, like that of Pennsylvania, in a violent quarrel with their governor, had refused to organize the militia or to vote supplies unless Morris would first consent to all their measures, including a new issue of paper money. They furnished, however, £2000 toward the Louisburg expedition, but declined to raise any men. The New York Assembly, after a long de- 1745 Jan. 25

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bate, voted £3000 of their currency; but this seemed to Clinton a niggardly grant, and he sent, besides, a quantity of provisions purchased by private subscription, and ten eighteen-pounders from the king's magazine

1745. Connecticut voted five hundred men, led by Roger Wolcott, afterward governor, and appointed, by stipulation of the Connecticut Assembly, second in command of the expedition. Rhode Island and New Hampshire each raised a regiment of three hundred men; but the Rhode Island troops did not arrive till after Louisburg was taken. The chief burden of the enterprise, as was to be expected, fell on Massachusetts. In seven weeks an army of three thousand two hundred and fifty men was enlisted, transports were pressed, and bills of credit were profusely issued to pay the expense. Ten armed vessels were provided by Massachusetts, and one by each of the other New England colonies. The command in chief was given to William Pepperell, a native of Maine, a wealthy merchant, who had inherited and augmented a large fortune acquired by his father in the fisheries; a popular, enterprising, sagacious man, noted for his universal good fortune, but unacquainted with military affairs, except as a militia officer. Whitefield, then preaching on his third tour throughout the colonies, gave his influence in favor of the expedition by suggesting, as a motto for the flag of the New Hampshire regiment, "*Nil desperandum Christo duce*"—"Nothing is to be despaired of with Christ for a leader." The enterprise, under such auspices, assumed something of the character of an anti-Catholic crusade. One of the chaplains, a disciple of Whitefield, carried a hatchet, specially provided to hew down the images in the French churches.

April 4. Eleven days after embarking at Boston, the Massachusetts armament assembled at Canso, to wait there

the arrival of the Connecticut and Rhode Island quotas, CHAPTER XXV.
and the melting of the ice by which Cape Breton was
environed. The New Hampshire troops were already 1745.
there; those from Connecticut came a few days after.
Notice having been sent to England and the West In-
dies of the intended expedition, Captain Warren pres-
ently arrived with four ships of war, and, cruising before April 23.
Louisburg, captured several vessels bound thither with
supplies. Already, before his arrival, the New England
cruisers had prevented the entry of a French thirty-gun
ship. As soon as the ice permitted, the troops landed April 30.
and commenced the siege, but not with much skill, for
they had no engineers. The artillery was commanded
by Gridley, who served thirty years after in the same
capacity in the first Massachusetts revolutionary army.
Cannon and provisions had to be drawn on sledges by
human strength over morasses and rocky hills. Five
unsuccessful attacks were made, one after another, upon
an island battery which protected the harbor. In that
cold, foggy climate, the troops, very imperfectly provided
with tents, suffered severely from sickness, and more than
a third were unfit for duty. But the French garrison
was feeble and mutinous, and when the commander
found that his supplies had been captured, he relieved
the embarrassment of the besiegers by offering to capit- June 17
ulate. The capitulation included six hundred and fifty
regular soldiers, and near thirteen hundred effective in-
habitants of the town, all of whom were to be shipped to
France. The Island of St. John's presently submitted
on the same terms. The loss during the siege was less
than a hundred and fifty, but among those reluctantly
detained to garrison the conquered fortress ten times
as many expired afterward by sickness. In the ex-
pedition of Vernon and this against Louisburg per-

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ished a large number of the remaining Indians of New England, persuaded to enlist as soldiers in the colonial regiments.

1745.

Some dispute arose as to the relative merits of the land and the naval forces, which had been joined during the siege by additional ships from England. Pepperell, however, was made a baronet, and both he and Shirley were commissioned as colonels in the British army. Warren was promoted to the rank of rear admiral. The capture of this strong fortress, effected in the face of many obstacles, shed, indeed, a momentary luster over one of the most unsuccessful wars in which Britain was ever engaged. It attracted, also, special attention to the growing strength and enterprise of the people of New England, represented by Warren, in his communications to the ministry, as having "the highest notions of the rights and liberties of Englishmen; and, indeed, as almost Levelers."

The French, on their side, were not idle. The garrison of Crown Point sent out a detachment, which took

Aug. 20. the Massachusetts fort at Hoosick, now Williamstown, and presently surprised and ravaged the settlement recently established at Saratoga. Even the counties of Ulster and Orange, on the lower Hudson, struck with panic, expected the speedy arrival of Canadian and Indian invaders.

The easy conquest of Louisburg revived the often disappointed hope of the conquest of Canada. Shirley submitted to Newcastle a plan for a colonial army to undertake this enterprise. But the Duke of Bedford, then at the head of the British marine, took alarm at the idea of "the independence it might create in those provinces when they shall see within themselves so great an army, possessed of so great a country by right of con-

quest." The old plan was therefore preferred of sending a fleet and army from England to capture Quebec, to be joined at Louisburg by the New England levies, while the forces of the other colonies operated in the rear against Montreal. CHAPTER XXV. 1746.

Orders were accordingly sent to the colonies to raise troops, which the king would pay. Hardly were these orders across the Atlantic when the ministers changed their mind; but, before the countermand arrived, the colonial levies were already on foot. In spite of the mortality at Louisburg, Massachusetts raised three thousand five hundred men, Connecticut raised a thousand, New Hampshire five hundred, Rhode Island three hundred. The province of New York voted sixteen hundred men, New Jersey five hundred, Maryland three hundred, Virginia one hundred. Money was voted by the Pennsylvania Assembly for enlisting four hundred men. The troops from the southern colonies, and those also from Connecticut, assembled at Albany. The command, declined by Governor Gouch, of Virginia, was assumed by Clinton, of New York. Not only was Clinton involved in a violent controversy with the Assembly, but a majority of the council, headed by Delancey, the chief justice, continued to sit at New York during the governor's absence at Albany, and to dispute with him the administration of the province. His military command was not less embarrassing. The corporation of Albany refused to provide quarters for the soldiers. The bills drawn by Clinton on the British treasury failed to purchase provisions. Impressment was resorted to, but it was not without difficulty that the troops were subsisted.

April.

Aug

The office of agent for the Five Nations, which had remained for fifty years in the Schuyler family, had been given by Clinton to William Johnson, who led a party

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of Mohawks destined to act in front of the main army. Of Scotch-Irish descent, Johnson had established himself some ten or twelve years previously on the Mohawk River, thirty miles west of Albany, at the head of a new frontier settlement, undertaken on behalf of his uncle, Admiral Warren, who by marrying a De Lancey of New York, had acquired a large tract of land in that province. Of coarse but vigorous mind, and great bodily strength, Johnson had carefully cultivated the good will of the Mohawks, with whom he carried on a lucrative traffic. He had an Indian wife or mistress, sister of the afterward celebrated Brant; he acknowledged as his own several half-breed Indian children; and already, by conformity to their customs, and by natural aptitude, had attained the same influence over the Mohawks possessed in the previous generation by Major Schuyler.

As the British fleet did not make its appearance, fifteen hundred of the Massachusetts troops were marched to Albany to join Clinton. But attention was soon drawn to matters nearer home. Instead of the expected English squadron, a French fleet of forty ships of war, with three thousand veteran troops on board, had sailed for the American coast, exciting a greater alarm throughout New England than had been felt since the threatened invasion of 1697. This alarm, the non-appearance of the British fleet, and the various difficulties encountered on the march, put a stop to the advance on Montreal. A body of troops from Canada appeared at the head of the Bay of Fundy, and, being joined by the French inhabitants there, threatened an attack on Annapolis. Boston was thought to be the great object of the enemy. To defend it, some ten thousand militia were collected, and such additions were made to the fort on Castle Island as to render it the strongest British fortress in Ameri-

ca. The French fleet, shattered by storms and decimated by a pestilential fever, effected nothing beyond alarm. The admiral died, the vice-admiral committed suicide. The command then devolved on La Jonquiere, appointed governor general of New France as successor to Beauharnois, who had held that office for the last twenty years. A second storm dispersed the ships, which returned singly to France. After the capture of Jonquiere in a second attempt to reach Canada, the office of governor general devolved on La Galissonniere. 1746. 1747

Parliament subsequently reimbursed to the colonies the expenses of their futile preparations against Canada, amounting to £235,000, or upward of a million of dollars.

Indian parties from Canada severely harassed the frontier of New England. Even the presence of a British squadron on the coast was not without embarrassments. Commodore Knowles, while lying in Boston harbor, finding himself short of men, sent a press-gang one morning into the town, which seized and carried off several of the inhabitants. As soon as this violence became known, an infuriated mob assembled, and, finding several officers of the squadron on shore, seized them as hostages for their imprisoned fellow-townsmen. Surrounding the town-house, where the General Court was in session, they demanded redress. After a vain attempt to appease the tumult, Shirley called out the militia; but they were very slow to obey. Doubtful of his own safety, he retired to the castle, whence he wrote to Knowles, representing the confusion he had caused, and urging the discharge of the persons impressed. Knowles offered a body of marines to sustain the governor's authority, and threatened to bombard the town unless his officers were released. The mob, on the other hand, began to question whether the governor's retirement to the castle did not Nov.

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amount to an abdication. Matters assumed a very serious aspect; and those influential persons who had countenanced the tumult, now thought it time to interfere for its suppression. The House of Representatives resolved to stand by the governor "with their lives and fortunes." The council ordered the release of the officers. The inhabitants of Boston, at a town meeting, shifted off the credit of the riot upon "negroes and persons of vile condition." The governor was escorted back by the militia; Knowles discharged the greater part of the impressed men, and presently departed with his squadron. No allusion was made, in the course of this affair, to the statute of Anne prohibiting impressments in America. That act, indeed, according to the opinion of several English crown lawyers, had expired with Queen Anne's war. Shirley, in his letters to the Board of Trade on the subject of this "rebellious insurrection," ascribes "the mobbish turn of a town of twenty thousand persons" to its constitution, which devolved the management of its affairs on "the populace, assembled in town meetings." Boston had already attained an amount of population at which it remained stationary for the next fifty years.

The towns of Suffield, Somers, Enfield, and Woodstock, originally settled under Massachusetts grants, and assigned to that province in 1713 by the boundary convention with Connecticut, finding the rate of taxation in Massachusetts enhanced by the late military expenses, applied to Connecticut to take them into her jurisdiction. They claimed to be within the Connecticut charter. They alleged that the former agreement had never been ratified by the crown, and that Connecticut had received no equivalent for her surrender of jurisdiction. This application was listened to with favor. Some show,

indeed, was made of asking the consent of Massachusetts; but, when that consent was refused, the towns were received by Connecticut without it, and to that province they have ever since belonged. Massachusetts threatened an appeal to the king in council, but hesitated to prosecute it, lest she might lose, as in her former controversy with New Hampshire, not only the towns in dispute, but other territory also. 1747

Some liberated prisoners from Martinique, a great resort for French cruisers, brought a report to Philadelphia that a fleet of privateers, knowing the unfortified state of that city, and trusting that the Quakers would not fight, intended to make a combined expedition up the Delaware. In consequence of this alarm, fortifications were erected and a military organization adopted in Pennsylvania. The Assembly still refused to do any thing; but an associated volunteer militia, ten thousand strong, was organized and equipped. Money was also raised by lottery to erect batteries for the defense of the Delaware, toward which the proprietaries contributed twelve pieces of cannon. "Plain Truth," a little pamphlet written by Franklin, greatly contributed to these movements. By twenty years of diligent labor as a printer, newspaper publisher, and editor, Franklin had acquired a handsome property; and, at the age of forty, he now began to take an active part in the political affairs of the province, being chosen a member of the Assembly, of which for ten years previous he had acted as clerk.

A portion of the Quakers were inclined to justify defensive war. Chew, chief justice of Delaware, had been disowned by the yearly meeting for avowing that opinion, but it still continued to gain ground. The now venerable Logan, who, indeed, had never been much of a 1742.

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Quaker, entertained the same views; but increasing age and infirmities had withdrawn him for some time from active participation in affairs.

1747. The war so inconsiderately begun, through the resolution of the British merchants to force a trade with Spanish America, after spreading first to Europe and then to India, and adding $144,000,000, £30,000,000, to the British national debt, was at last brought to a close by the peace of Aix la Chapelle. Notwithstanding a former emphatic declaration of the British government that peace never should be made unless the right to navigate the Spanish-American seas free from search were conceded, that claim, the original pretense for the war, was not even alluded to in the treaty. The St. Mary's was fixed as the boundary of Florida. Much to the mortification of the people of New England, Cape Breton and the conquered fortress of Louisburg were restored to the French, who obtained, in addition, the little islands of St. Pierre and Miquelon, on the south coast of Newfoundland, as stations for their fishermen. A new commission was also agreed to for the settlement of French and English boundaries in America—a matter left unsettled since the treaty of Ryswick.

1748. Oct. 8.

Massachusetts was somewhat consoled for the retrocession of Louisburg by an indemnity toward the expense of its capture, obtained through the diligence of Bollan, Shirley's son-in-law, sent as agent to solicit it. The sum allowed amounted to £183,000, or upward of $800,000, nearly the whole of which belonged to Massachusetts. The paper money of that province, increased by repeated issues during the war, amounted now to £2,200,000, equivalent, when issued, to about as many dollars, but depreciated since the issue full one half, the whole depreciation being at the rate of seven or eight

for one. This great and rapid fall had contributed to open people's eyes to the true character of the paper money. All debts, rents, salaries, and fixed sums payable at a future period, had experienced an enormous and most unjust curtailment. The paper bills, a legal tender at their nominal amount, had been made the instruments of cruel frauds upon widows, orphans, and all the more helpless members of society. The ministers, though partially indemnified by a special act in their favor, had suffered a great falling off in their salaries, and they gave their decided and weighty influence against the bills. It was proposed to import the Cape Breton indemnity in silver, to redeem at once at its current value all the outstanding paper, and to adhere in future to a currency of coin.

This project, which had the support of Governor Shirley, was warmly advocated by Thomas Hutchinson, for nine years past representative of Boston, and now speaker of the House. His father, a successful merchant, a great-grandson of the famous Mrs. Hutchinson, had left him a considerable property. A graduate of Cambridge, at first he had applied himself to trade, but with little success. He then turned his attention to politics, inclining to the conservative or government side. Already influential, for the next quarter of a century he played a very conspicuous part.

The withdrawal of the paper money encountered warm opposition from many interested and many ignorant persons, who strove to impress the people with the idea that, if there were no other money than silver, it would all be engrossed and hoarded by the rich, while the poor could expect no share in so precious a commodity! It was said, also, that the bills ought to be redeemed at their nominal and not at their actual value. In spite

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of this and other similar arguments, the proposition, after having been once lost in the House, was sanctioned by
1750. the General Court.

The indemnity money having arrived in specie, the paper, amid much public gloom and doubt, was redeemed at a rate about one fifth less than the current value Future debts were to be paid in silver, at the rate of 6*s.* 8*d.* the ounce, and, for the next quarter of a century, Massachusetts enjoyed the blessing of a sound currency. Resolved to drive the other New England colonies into the same measures, she prohibited the circulation of their paper within her limits. Connecticut called in her bills, but Rhode Island proved obstinate; and, forgetting her
1751. former constitutional scruples, Massachusetts applied for and obtained an act of Parliament prohibiting the New England Assemblies, except in case of war or invasion, to issue any bills of credit, for the redemption of which, within the year, provision was not made at the time of the issue; nor in any case could the bills be made a legal tender. It is a great proof of the progress of sound notions on the subject of finance, that the use of a specie currency, ineffectually forced on the reluctant colonists by orders in council and acts of Parliament, has become, in our days, a universal favorite, and has even been made a democratic test.

William Greene, chosen governor of Rhode Island in 1743, had been succeeded in 1745 by Gideon Wanton. Greene and Wanton held the office alternately till 1748, after which Greene was elected for seven years in succession. Piqued at some curtailment of his salary, Shirley, leaving Lieutenant-governor Phipps at the head of affairs, had meanwhile proceeded to England, secretly to urge, in conjunction with Clinton, a permanent crown civil list for the colonies; and while there, he was ap-

pointed one of the boundary commissioners under the late treaty with France. CHAPTER XXV.

The late religious excitement had contributed to deepen the fading traces of the old Puritanism. Some young Englishmen created an alarm by getting up at a Boston coffee-house a representation of Otway's Orphan. All such exhibitions were forthwith prohibited, "as tending to discourage industry and frugality, and greatly to increase impiety and contempt for religion." A similar prohibition in Connecticut remains in force to the present day. These laws were quite in season. Theatrical performances, in professional style, were soon after introduced into America by a company of actors from London, led by William and Lewis Hallam. The first play, the Beau's Stratagem, seems to have been performed by a part of the company at Annapolis. The Merchant of Venice, by the whole company, was presently brought out at Williamsburg. This company circulated between Williamsburg, Annapolis, Philadelphia, Perth Amboy, New York, and Newport. Into Connecticut or Massachusetts the law did not allow them to venture.

1749. Sept. 11

1752

Wentworth, governor of New Hampshire, had flattered himself with gradually introducing into that province "the rights of the crown;" but he soon found that, "having been so long under the same government with Massachusets, it had assumed the same form of government." The settlements of New Hampshire continued to extend; and, shortly after the peace, Wentworth began to issue grants west of the Connecticut, in what is now the state of Vermont. New Hampshire had formerly been reckoned to extend, according to the terms of Mason's grant, only sixty miles into the interior. Wentworth's commission included all the territory "to the boundaries of his majesty's other provinces." New York, by virtue of the

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patent of Charles II., claimed, as her eastern boundary the Connecticut River; but this claim, as against Connecticut, had been formally relinquished; as against Massachusetts, it was not seriously insisted on; and, under the pretense that his province ought to have a westerly extent commensurate with that of Massachusetts and Connecticut, Wentworth granted fifteen townships west of Connecticut River, adjoining the recent Massachusetts settlements on the Hoosick, among the first of which was *Bennington*, so called after his own Christian name. Emigrants from Connecticut and Massachusetts began to occupy these grants; but the speedy renewal of the French and Indian war soon put a stop to settlement.

The boundary between New York and Massachusetts, and that, also, between New York and New Jersey, were still subjects of dispute; and as the validity of many private land claims depended on these lines, they became, on that account, the more difficult to settle. Yet their settlement became every day the more essential, to prevent collision between occupants under conflicting grants. The population of New York was now, by census, 62,786 whites, and 10,692 blacks. Like Pennsylvania and the Carolinas, it contained a great admixture, but those of Dutch origin still constituted a majority. To the descendants of the old immigrants from New England, and of the more recent Huguenot settlers, among whom were to be found many of the wealthiest merchants, had been added considerable bodies of immigrant Germans, of Scotch-Irish Presbyterians, and Scotch Highlanders. The extensive old Dutch grants, and others on the same principle, more recently made by the royal governors to their friends and partisans in the council and Assembly, opposed serious obstacles to the rapid population of the prov-

ince. These lands were held at prices which new set- CHAPTER XXV.
tlers were unwilling to pay, or were burdened with quit-
rents and other feudal encumbrances, always very un- 1749.
popular in America. The settlements were still limited to Manhattan, Staten Island, Long Island, and the immediate vicinity of the Hudson. Almost the whole region west of that river, as yet unexplored and very little known, remained still a hunting ground of the Six Nations.

The subject of education hitherto had excited little attention in New York. Delancey was the only "academic" on the bench, Smith the only one at the bar. There was no person of college education in either branch of the Legislature. Steps were taken toward the foundation of a college, afterward called "King's," now "Columbia," by the passage of an act for raising by lottery a small sum for that purpose. The province was divided by differences of religion no less than of race, and this college, of which the Episcopalians engrossed the management, soon became a bone of contention between them and the Presbyterians, with whom the members of the Dutch Church sided. Hence a new arrangement of parties, which continued to divide the province down to the period of the Revolution, and not without serious influence on that great event.

The Episcopal party was headed by James Delancey, the chief justice and counselor, already repeatedly mentioned, a man skilled in all those arts and possessed of all those talents essential to a popular leader. Delancey, as has been mentioned already, was at this time in opposition to the governor, and a perpetual thorn in his side. The general tendency, however, of the Episcopalians was to support the government party. The leaders of the Presbyterians were Smith, John Morin Scott, and

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the Livingstons, Philip and William, grandsons of the grantee of the manor of Livingston—one a merchant, the other a lawyer, and both distinguished at a subsequent period as revolutionary leaders. In spite of their efforts, the college was chartered as an exclusively Episcopal institution. In founding the New York Society Library they were more successful.

1752.

1755.

The province of New Jersey, under the administration of the aged Morris, had grown year by year more unmanageable. To the old disputes about paper money and the rights of the Assembly had lately been added a violent resistance to the laws by persons known as the Elizabethtown claimants, who had entered and settled upon lands of the East Jersey Company under pretense of conveyances from the Indians, made with the approbation of Nichols before New Jersey existed as a separate province. These disorders increased after Morris's death, and spread also into the neighboring counties of New York. The *squatters* associated and maintained themselves by force against every attempt to turn them out. The Assembly was repeatedly called upon to interfere, but that body was little anxious to relieve the embarrassments of a government to which it would not even grant the customary annual salaries except by an issue of paper money contrary to the royal instructions.

1746. After remaining for a year or more in the hands of the council, with Hamilton first and then Reading as president, the direction of affairs passed to Belcher, to whom this troublesome and difficult post was given as a tardy compensation for the loss of Massachusetts. Belcher

1747. Aug. called an Assembly, by which an attempt was presently made to quiet disorders by an act of oblivion and pardon, on conditions, however, of which few of the squatters availed themselves. This act was complained of

by the proprietaries as tending rather to encourage than to suppress the insurgents, and presently they appealed to the king, in which they were supported by a representation from the council. After a long delay, a commission of inquiry was ordered from England; but, pending the inquiry, the squatters remained in possession—a result which they considered equivalent to a triumph. A chancery suit, already commenced by the proprietaries against the Elizabethtown claimants, remained pending without any decision down to the time of the Revolution. CHAPTER XXV. 1748. Dec. 1751. July

On the paper money controversy, and other points in dispute, Belcher adopted a conciliatory policy which recommended him to the Assembly, but exposed him to the rebukes of the Board of Trade. He was a great admirer of Whitefield, and a warm patron of the Presbyterian college established in 1746, and chartered in 1748, of which Princeton became the site.

By the death of John Penn without issue, his half of Pennsylvania descended to his next brother, Thomas, who thus became proprietor of three fourths of the province. To increase their influence, the proprietaries had adopted the practice of appointing judicial and other officers, not during good behavior, as formerly, but during the pleasure of the proprietaries. At first this innovation did not attract much attention; but the Assembly began now to complain of it as an abuse of power, and a substantial violation of the charter. The practice was also adopted of giving to the deputy governor secret instructions, which his bond to the proprietaries obliged him to obey, but which, at the same time, he was forbidden to communicate to the Assembly. 1746.

On the retirement of Thomas, worn out in the struggle "with an obstinate and wrong-headed Assembly of

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1748.

Quakers," the office of deputy governor was given to James Hamilton, a native of the province, son of that former speaker of the Assembly so much distinguished in Zenger's trial.

Hamilton was a man of talent; but no talent could reconcile the diametrically opposing views of the Assembly and the proprietaries. The Assembly desired new issues of paper, not only as an economical expedient, but because the interest on the loans, by the terms of the acts, constituted a fund entirely at their control. The same was the case with the excise duties, originally imposed in 1744, and continued in 1746, for ten years, to sink £5000 in paper money granted for the abortive Canada expedition, but far exceeding the amount needed for that purpose. Hamilton was directed by his secret instructions to consent to no new paper issues, nor to any renewal of the excise, unless the resulting revenue were placed under the joint control of the governor and the Assembly. The Assembly, on their side, were not passive. It had been an old complaint that the province was at the sole expense of Indian treaties, of which the chief benefit resulted to the proprietaries in the cession of lands. That complaint was now renewed. A claim was also set up that proprietary manors and quit-rents ought to be taxed in common with the private property of the other inhabitants, toward the general expenses of the province. Hamilton, in a series of messages on this subject, maintained the cause of the proprietaries with great ability, but he found his match in Franklin, to whom the preparation of answers was intrusted by his fellow-members of Assembly.

Franklin, however, was much more than a mere party politician. Owing, among other things, to the intermixture of languages, races, and sects, the important

subject of education had been almost as much neglected in Pennsylvania as in New York. Franklin projected an academy and free school, which became presently a college, and finally the University of Pennsylvania. He promoted, also, the foundation of the Philadelphia Library and of the Philadelphia Hospital. The first native of America who wrote the English language with classic taste and elegance, he edited, printed, and published the first American periodical magazine. But this experiment was premature, and, after a year or two, the magazine was discontinued for want of support. Presently he became famous for his electrical discoveries, 1752.
which gave him a reputation in Europe such as no other American has ever acquired. Philadelphia could boast, at the same time, other citizens of distinguished merit: Godfrey, the inventor of the quadrant, which bears the name of Halley, and Bartram, the first American botanist—friends and neighbors of Franklin, and, jointly with him, pioneers of American science.

Thomas Bladen, a native of Maryland, married to a 1742.
sister of Lady Baltimore, had been appointed to succeed Ogle in the government of that province. But the violent altercations with the Assembly, in which Bladen's hot temper involved him, threw doubts on the policy of appointing native governors, and Ogle was presently re- 1747
instated in office—a position which he still held when Frederic, sixth and last Lord Baltimore, succeeded to 1751.
the title and proprietary rights. The remainder of the Nanticokes, the aboriginal inhabitants of the eastern shore of Maryland, emigrated about this time to the upper waters of the Susquehanna, carrying with them the bones of their fathers.

The inferiority of social position in which the Catholics were still kept, and the mortifications to which they

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were subjected, led to an application on their behalf to the court of France for a grant of lands in Louisiana.

1751. This application was made by Charles Carroll, a wealthy proprietor, the hereditary land agent of the Baltimore family, one of whose sons became afterward a signer of the Declaration of Independence, and another the first Catholic archbishop of the United States. Nothing, however, came of this application. The French court, it is probable, doubted the policy of introducing English settlers into Louisiana.

The town of Baltimore, laid out in 1729, was incorporated in 1745; but, for the next twenty years, it remained a petty village. The Maryland Gazette, the first newspaper of that province, was first published in 1745.

Under Gouch's quiet administration the population of Virginia continued steadily to increase. North of James River, the settlements had extended west of the Blue Ridge; but, as yet, the province was entirely rural. There were no towns; indeed, hardly a village. The Capitol at Williamsburg having been burned, the burgesses wished to remove the seat of government to some situation more favorable to commerce; but that project was defeated by the council.

1749. Just at the close of Gouch's administration took place the sixth and last colonial revisal of the Virginia code.

1751. Oct. Fifty-seven of these acts were solemnly approved and ratified by the king in council. Ten others were disallowed and declared void. The Assembly was equally dissatisfied with the approval and with the disallowance.

1752. April. "As we conceive," they say, in their humble address to the king on this occasion, a document which throws a good deal of light on the forms of colonial legislation, "according to the ancient constitution and usage of this

colony, all laws enacted here for the public peace, welfare, and good government thereof, and not repugnant to the laws and statutes of Great Britain, have always been taken and held to be in full force until your majesty's disallowance thereof is notified here, and that the same may be revised, altered, and amended from time to time as our exigencies may require; but that when a law enacted here hath once received your majesty's approbation, and hath been confirmed, and finally enacted and ratified, the same can not, by the Legislature here, be revised, altered, or amended, without a clause therein to suspend the execution thereof till your majesty's pleasure be known therein, even though our necessities for an immediate revisal, alteration, or amendment be ever so pressing." As the Assembly had all along very freely exercised an unrestricted power of revisal and amendment, very few of the Virginia statutes, we may conclude, had hitherto received a specific royal approval, but remained liable to be declared void at any time by royal proclamation. 1752.

In North Carolina, Governor Johnston still continued an unequal struggle on the subject of quit-rents, the sole fund for paying the royal officers. Almost in despair, he wrote to the Board of Trade that "he could not conceive how government can be kept up, as the officers were obliged, for subsistence, to live dispersed on small plantations, as their salaries had been eight years in arrears." Urged by necessity, Johnston resorted to "management." The members of Assembly from the lately-settled southern counties were less violent in their opposition to the wishes of the governor than those of the north. Yet the northern counties, by long-established usage, had five members each, while the more recent counties had but two. Johnston seized an opportunity, 1746.

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when the northern members were absent, to carry acts putting all the counties on a level as to members of As-

1746. sembly, and removing the seat of government to *Wilmington*, a town commenced since Johnston's arrival, and named after Lord Wilmington, one of the ministers, the patron of Johnston. The six northern counties refused to recognize the new Assembly as legal, or to pay any taxes imposed by it. The officials, in their turn, denounced the province "as little better than an asylum for fugitives, since it was destitute of any regular government."

In spite, however, of this destitution, the population continued to increase. Under the encouragement of the parliamentary bounties, tar, pitch, and rosin, the produce of immense pine forests, had become the staple of the southern districts. A large body of Scotch Highlanders, transported to America on account of their participation in the rebellion of 1745, settled, under the management of Neal M'Neal, on the Cape Fear River, at Cross Creek, now *Fayetteville*. That social change in the Scotch Highlands, which began to substitute a few rent-paying tenants for a larger number of military retainers, drove additional Scotch emigrants to America, many of whom settled in North Carolina. The northwestern portions of the province received also many settlers from the north of Ireland.

The northern counties carried to England their complaints against the change in the constitution of the Assembly, but they were obliged to submit to it; and John-

1748. ston succeeded at last in carrying the act, so long delayed, for the formation of a rent-roll and the collection of quit-rents.

The colonists of South Carolina had found a new staple in the cultivation of indigo. Encouraged by an

act of Parliament, this new branch of industry afforded a resource for such planters as had not capital enough to engage in the rice cultivation, or lands fit for that purpose. Plantations were extended, gangs of slaves were multiplied, the wealth of the province was rapidly increasing. The rice growers of Carolina began to rival, in luxury and expense, the sugar planters of the West Indies, with whom, indeed, they had much more affinity than with the colonists of the north. The children of the wealthy class were sent to England to be educated; and a new generation began to be raised up, including several young men of superior talents and accomplishments, destined to take an active part in the approaching struggle with the mother country.

1749.

While South Carolina was thus advancing, the slow progress of Georgia furnished new proofs, if such were needed, that the colonization of a wilderness, even with abundant facilities for it, is, for the most part, a tedious process; and, when undertaken by a company or the public, very expensive.

The results of their own idleness, inexperience, and incapacity, joined to the inevitable obstacles which every new settlement must encounter, were obstinately ascribed by the inhabitants of Georgia to that wise but ineffectual prohibition of slavery, one of the fundamental laws of the province. The convenience of the moment caused future consequences to be wholly overlooked. Every means was made use of to get rid of this prohibition. Even Whitefield and Habersham, forgetful of their former scruples, strenuously pleaded with the trustees in favor of slavery, under the old pretense of propagating in that way the Christian religion. "Many of the poor slaves in America," wrote Habersham, "have already been made freemen of the heavenly Jerusalem."

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The Salzburgers for a long time had scruples, but were reassured by advice from Germany: "If you take slaves in faith, and with intent of conducting them to Christ, the action will not be a sin, but may prove a benediction." Thus, as usual, the religious sentiment and its most disinterested votaries were made tools of by avarice for the enslavement of mankind. Habersham, however, could hardly be included in this class. Having thrown off the missionary, and established a mercantile house at Savannah, the first, and for a long time the only one there, he was very anxious for exportable produce. The counselors of Georgia, for the president was now so old as to be quite incapacitated for business, winked at violations of the law, and a considerable number of negroes had been already introduced from Carolina as hired servants, under indentures for life or a hundred years. The constant toast at Savannah was "The one thing needful," by which was meant negroes. The leading men both at New Inverness and Ebenezer, who opposed the introduction of slavery, were traduced, threatened, and persecuted.

1749.

Thus beset, the trustees yielded at last, on condition that all masters, under "a mulct of £5," should be obliged to compel their negroes "to attend at some time on the Lord's day for instruction in the Christian religion"—the origin, doubtless, of the peculiarly religious character of the negroes in and about Savannah. The trustees also abolished the restrictions hitherto existing on the tenure and transfer of lands. The aged Stevens having given up his office to Henry Parker, a colonial Assembly was called, not to legislate, for that power belonged solely to the trustees, but to advise and consult. Parker was presently succeeded by Patrick Graham.

1751 Jan

By custom or by statute, whether legal or illegal,

slavery existed as a fact in every one of the Anglo-American colonies. The soil and climate of New England made slaves of little value there except as domestic servants. In 1701, the town of Boston had instructed its representatives in the General Court to propose "putting a period to negroes being slaves." About the same time, Sewall, a judge of the Superior Court, afterward chief justice of Massachusetts, published "The Selling of Joseph," a pamphlet tending to a similar end. But these scruples seem to have been short-lived. With the increase of wealth and luxury, the number of slaves increased also. There were in Massachusetts in 1754, as appears by an official census, twenty-four hundred and forty-eight negro slaves over sixteen years of age; about a thousand of them in Boston—a greater proportion to the free inhabitants than is to be found at present in the city of Baltimore. Connecticut exceeded Massachusetts in the ratio of its slave population, and Rhode Island exceeded Connecticut. Newport, grown to be the second commercial town in New England, had a proportion of slaves larger than Boston. The harsh slave laws in force in the more southern colonies were unknown, however, in New England. Slaves were regarded as possessing the same legal rights as apprentices; and masters, for abuse of their authority, were liable to indictment. Manumissions, however, were not allowed except upon security that the freed slaves should not become a burden to the parish.

In the provinces of New York and New Jersey, negro slaves were employed, to a certain extent, not only as domestic servants, but as agricultural laborers. In the city of New York they constituted a sixth part of the population. The slave code of that province was hardly less harsh than that of Virginia.

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1750.

In Pennsylvania the number of slaves was small, partly owing to the ample supply of indented white servants, but partly, also, to scruples of conscience on the part of the Quakers. In the early days of the province, in 1688, some German Quakers, shortly after their arrival, had expressed the opinion that slavery was not morally lawful. George Keith had borne a similar testimony; but he was disowned as schismatic, and presently abandoning the society, was denounced as a renegade. When Penn, in 1699, had proposed to provide by law for the marriage, religious instruction, and kind treatment of slaves, he met with no response from the Quaker Legislature. In 1712, to a petition in favor of emancipating the negroes, the Assembly replied, "that it was neither just nor convenient to set them at liberty." They imposed, however, a heavy duty, in effect prohibitory, and intended to be so, on the importation of negroes. This act, as we have seen, was negatived by the crown. The policy, however, was persevered in. New acts, passed from time to time, restricted importations by a duty first of five, but lately reduced to two pounds per head. The Quaker testimony against slavery was renewed by Sandiford and Lay, who brought with them to Pennsylvania a strong detestation of the system of servitude which they had seen in Barbadoes in all its rigors. The same views began presently to be perseveringly advocated by Woolman and Benezet, whose labors were not without effect upon the Quakers, some of whom set the example of emancipating their slaves. Franklin was also distinguished as an early and decided advocate for emancipation. The greater part of the slaves of Pennsylvania were to be found in Philadelphia. A fourth part of the inhabitants of that city were persons of African descent, including many, however, who had obtained their freedom.

In the tobacco growing colonies, Maryland, Virginia, and North Carolina, slaves constituted a third part or more of the population. In South Carolina, where rice was the principal produce, they were still more numerous, decidedly outnumbering the free inhabitants. 1750.

The slave code of South Carolina, as revised and re-enacted in a statute still regarded as having the force of law, had dropped from its phraseology something of the extreme harshness of the former act. It contained, also, some provisions for the benefit of the slaves, but, on the whole, was harder than before. "Whereas," says the preamble to this act, "in his majesty's plantations in America, slavery has been introduced and allowed, and the people commonly called negroes, Indians, mulattoes, and mestizoes have been deemed absolute slaves, and the subjects of property in the hands of particular persons, the extent of whose power over such slaves ought to be settled and limited by positive laws, so that the slaves may be kept in due subjection and obedience, and the owners and other persons having the care and government of slaves may be restrained from exercising too great rigor and cruelty over them, and that the public peace and order of this province may be preserved," it is therefore enacted that "all negroes, Indians, mulattoes, and mestizoes (free Indians in amity with this government, and negroes, mulattoes, and mestizoes who are now free excepted), who now are or shall hereafter be in this province, and all their issue and offspring born and to be born, shall be, and they are hereby declared to be and remain forever hereafter absolute slaves, and shall follow the condition of the mother, and shall be claimed, held, taken, reputed, and adjudged in law to be chattels personal." This provision, which deprives the master of the power of manumission, and subjects to slavery the de- 1740.

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scendant of every slave woman, no matter how many degrees removed, nor who may have been the male ancestor, nor what the color, was subsequently adopted in the same terms by the Georgia Legislature as the law of that province. A suit for freedom might be brought by any white man who chose to volunteer for that purpose on behalf of any person claimed as a slave. But, in all such suits, "the burden of proof shall lay upon the plaintiff, and it shall always be presumed that every negro, Indian, mulatto, and mestizo is a slave unless the contrary can be made to appear, the Indians in amity with this government excepted, in which case the burden of proof shall lie on the defendant." Masters were forbidden to allow their slaves to hire their own time; to let or hire any plantation; to possess any vessel or boat; to keep or raise any horses, cattle, or hogs; to engage in any sort of trade on their own account; to be taught to write; or to have or wear any apparel (except livery servants) "finer than negro cloth, duffils, kerseys, osnaburgs, blue linen, check linen, or coarse garlix or calicoes, checked cotton or Scotch plaid;" and any constable seeing any negro better clad, might seize the clothes and appropriate them to his own use. It was forbidden to work slaves on Sundays, under a penalty of five pounds; for working them more than fifteen hours daily in summer, and fourteen in winter, a like penalty was imposed Upon complaint to any justice that any master does not provide his slaves with sufficient "clothing, covering, or food," the justice might make such order in the premises as he saw fit, and fine the master not exceeding £20. "And whereas cruelty is not only highly unbecoming those who profess themselves Christians, but odious in the eyes of all men who have any sense of virtue and humanity," the fine for the willful murder of a slave

was increased to £700 currency, with incapacity to hold any office civil or military, and in case of inability to pay the fine, seven years' labor in a frontier garrison or the Charleston work-house. For killing a slave in the heat of passion, for maiming, or inflicting any other cruel punishment "other than by whipping or beating with a horsewhip, cowskin, switch, or small stick, or by putting in irons or imprisonment," a fine of £350 was imposed; and in case of slaves found dead, maimed, or otherwise cruelly punished, the masters were to be held guilty of the act unless they made the contrary appear. CHAPTER XXV. 1750.

No statute of North Carolina seems ever to have declared who were or might be held as slaves in that province, the whole system being left to rest on usage or the supposed law of England. But police laws for the regulation of slaves were enacted similar to those of Virginia, and the Virginia prohibition was also adopted of manumissions, except for meritorious services, to be adjudged by the governor and council. 1741.

Among the ten acts of the late Virginia revision rejected by the king was one "concerning servants and slaves," a consolidation and re-enactment of all the old statutes on that subject, the substance of which has been given in former chapters. It appears from the address, already quoted, of the Assembly to the king on the subject of this veto, to have been a standing instruction to the governor not to consent to the re-enactment of any law once rejected by the king, without express leave first obtained upon representation of the reasons and necessity for it. Such a representation was accordingly made by the Assembly as to eight of the ten rejected laws. The act concerning servants and slaves was not of this number, yet we find it re-enacted within 1751. 1752. 1753

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a year after in the very same words. Why the royal assent had been refused does not appear. It could hardly
1750. have been from any scruples on the subject of slavery; for among the acts expressly approved was one "for the better government of Indians, negroes, and mulattoes," which provided that the death of a slave under extremity of correction should not be esteemed murder, unless it were proved by the oath of at least one "lawful and credible witness" that the slave was willfully and maliciously killed; persons indicted for the murder of a slave, and found guilty of manslaughter only, to "incur no forfeiture or punishment." Slaves set free without leave from the governor and council might be sold at public auction by the church-wardens of any parish in which such freed slave might reside for the space of a month. The same statute also continued the authority formerly given to the county courts to "dismember" disorderly slaves "notoriously guilty of going abroad in the night, or running away and lying out," and not to be reclaimed by the common methods—an authority very much abused,
1769. if we may judge by a subsequent statute, which declares this dismembering "to be often disproportioned to the offense, and contrary to the principles of humanity," and prohibits the castration of slaves except on conviction of an attempt to ravish a white woman.

The negroes imported from the African coast, whose descendants now constitute a sixth part of the population of the United States, were not by any means of one nation, language, or race. A single slave ship often brought to America a great variety of languages and customs, a collection of unfortunate strangers to each other, or perhaps of hereditary enemies, with no common bond except that of servitude. Hence a want of union and sympathy among the slaves, which, joined to their

extreme ignorance and simplicity, prevented co-operation, and rendered it easy to suppress such outbreaks as occasionally occurred. Even in complexion and physiognomy, the most obvious characteristic of the negroes, there were great differences. Some were of a jet black, often with features approaching the European standard; others of a mahogany or reddish black, with features less shapely and regular; and others yet of a tawny yellow, with flat noses and projecting jaws—an ugliness often, but erroneously, esteemed characteristic of all the African races, but which seems to have been principally confined to the low and swampy grounds about the Delta of the Niger. The negroes marked by these shapeless features were noted also for indomitable capacity of endurance, and were esteemed, therefore, the best slaves. Intermixture among themselves, and a large infusion of European blood, have gradually obliterated these differences, or made them less noticeable.

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Contrary to what happened in the West Indies, in the Anglo-North American provinces the natural increase of the slave population was rapid. The women were seldom put to the severer labors of the field. The long winter secured to both sexes a season of comparative rest. Such was the abundance of provisions, that it was cheaper to breed than to buy slaves. Those born in America, and reared up on the plantations, evidently surpassed the imported Africans both physically and intellectually. Of the imported slaves a few were Mohammedans, among whom were occasionally found persons of some education, who knew Arabic, and could read the Koran. But the great mass were pagans, in a condition of gross barbarism. They brought with them from Africa many superstitions, but these, for the most part, as well as the negro languages, very soon died out.

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Zealous for religion as the colonists were, very little effort was made to convert the negroes, owing partly, at

1750. least, to a prevalent opinion that neither Christian brotherhood nor the law of England would justify the holding Christians as slaves. Nor could repeated colonial enactments to the contrary entirely root out this idea, for it was not supposed that a colonial statute could set aside the law of England. What, precisely, the English law might be on the subject of slavery, still remained a matter of doubt. Lord Holt had expressed the opinion, as quoted in a previous chapter, that slavery was a condition unknown to English law, and that every person setting foot in England thereby became free. American planters, on their visits to England, accompanied by their slaves, seem to have been annoyed by claims of freedom set up on this ground, and that, also, of baptism. To relieve their embarrassments, the merchants concerned in

1729. the American trade had obtained a written opinion from Yorke and Talbot, the attorney and solicitor general of that day. According to this opinion, which passed for more than forty years as good law, not only was baptism no bar to slavery, but negro slaves might be held in England just as well as in the colonies. The two lawyers by whom this opinion was given, rose afterward, one of them to be chief justice of England, and both to be chancellors. Yorke, sitting in the latter capacity

1749. with the title of Lord Hardwicke, had recently recognized the doctrine of that opinion as sound law. (Pearce *vs.* Lisle, Ambler, 76.) He objects to Lord Holt's doctrine of freedom, secured by setting foot on English soil, that no reason could be found "why slaves should not be equally free when they set foot in Jamaica or any other English plantation." "All our colonies are subject to the laws of England, although as to some purposes

they have laws of their own." His argument is, that if slavery be contrary to English law, no local enactments in the colonies could give it any validity. To avoid overturning slavery in the colonies, it was absolutely necessary to uphold it in England. At a subsequent period, as we shall presently see, the law of England was definitively settled in favor of liberty, the extra-judicial opinion of Talbot and Hardwicke being set aside by a solemn decision of the King's Bench.

The remaining exclusive privileges of the Royal African Company having expired, the English government undertook to maintain, at their own expense, the forts and factories on the African coast; and thus the slave trade was thrown open to free competition. The recent introduction of the cultivation of coffee into the West Indies, and the increasing consumption in Europe of colonial produce, gave fresh impulse to this detestable traffic, and it now began to be carried on to an extent which soon roused against it the indignant humanity of an enlightened age. The West Indies were the chief market; but the imports to Virginia and the Carolinas were largely increased. New England rum, manufactured at Newport, was profitably exchanged on the coast of Africa for negroes, to be sold in the southern colonies; and vessels sailed on the same business from Boston and New York. The trade, however, was principally carried on by English merchants of Bristol and Liverpool. Except in Pennsylvania, the colonial duties levied on the import of slaves were intended chiefly for revenue. They were classed in the instructions to the royal governors with duties on British goods, as impediments to British commerce not to be favored. On this ground several of these acts received the royal veto. Yet Virginia, as we have seen, was allowed to impose such duties as she pleased,

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on the sole condition of making them payable by the buyer.

1750. The importation of indented white persons, called "servants," or sometimes "redemptioners," in distinction from the negroes, who were known as slaves, was still extensively carried on, especially in the middle colonies. The colonial enactments for keeping these servants in order, and especially for preventing them from running away, were often very harsh and severe. They were put, for the most part, in these statutes, on the same level with the slaves, but their case in other respects was very different. In all the colonies, the term of indented service, even where no express contract had been entered into, was strictly limited by law, and, except in the case of very young persons, it seldom or never exceeded seven years. On the expiration of that term, these freed servants were absorbed into the mass of white inhabitants, and the way lay open before them and their children to wealth and social distinction. One of the future signers of the Declaration of Independence was brought to Pennsylvania as a redemptioner. In Virginia, at the expiration of his term of service, every redemptioner, in common with other immigrants to the colony, was entitled to a free grant of fifty acres of land, and in all the colonies certain allowances of clothing were required to be made by the late masters. Poverty, however, and want of education on the part of the mass of these freed men, kept them too often in a subservient condition, and created in the middle as well as in the southern colonies an inferior order of poor whites, a distinction of classes, and an inequality in society almost unknown in republican New England.

The position of the Africans was much more disastrous. Not only were they servants for life, which pos-

sibly the law of England might have countenanced, but by colonial statute and usage this servitude descended to their children also. The few set free by the good will or the scruples of their masters seemed a standing reproach to slavery, and an evil example in the eyes of the rest. They became the objects of a suspicious legislation, which deprived them of most of the rights of freemen, and reduced them to a social position very similar, in many respects, to that which inveterate prejudice in many parts of Europe has fixed upon the Jews. Hence, too, legislative restraints on the bounty or justice of the master in manumitting his slave.

Intermarriage with the inferior race, whether bond or free, was prohibited by religion as a sin, by public opinion as a shame, and by law as a crime. But neither law, Gospel, nor public opinion could prevent that amalgamation which, according to all experience, inevitably and extensively takes place whenever two races come into that close juxtaposition which domestic slavery of necessity implies. Falsehood and hypocrisy took the place of restraint and self-denial. The Dutch, French, Spanish, and Portuguese colonists, less filled with pride of race, and less austere and pretending in their religious morality, esteemed that white man mean and cruel who did not, so far as his ability permitted, secure for his colored children emancipation and some pecuniary provision. Laws were even found necessary, in some of those colonies, to limit what was esteemed a superfluity of parental tenderness. In the Anglo-American colonies colored children were hardly less numerous. But conventional decorum, more potent than law, forbade any recognition by the father. They followed the condition of the mother. They were born, and they remained slaves European blood was thus constantly transferred

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into servile veins; and hence, among the slaves sold and bought to-day in our American markets, may be found the descendants of men distinguished in colonial and national annals.

The Duke of Newcastle, after four-and-twenty years
1748. of colonial administration, was succeeded at last, in that superintendence by the Duke of Bedford, head of another of those great Whig families by which, since the accession of the house of Hanover, the government of Great Britain had been wholly engrossed. During Newcastle's long administration, in spite of the vigilance of the Board of Trade, to whose zeal the secretary did not always respond, the colonial Assemblies had greatly strengthened themselves against the royal and proprietary governors. The pretension of a greater regal authority in the colonies than at home, and of a power of legislating for them by orders in council, had ceased to be countenanced. Even the crown lawyers now pointed to Parliament and the colonial Assemblies as the only rightful legislators.

Separation from the mother country seems yet not to have been thought of. But as the colonies advanced in wealth and commercial enterprise, they grew more and more restless under the fetters on their trade and industry imposed by British legislation. Few of the colonial merchants felt scruples at violating those restrictions, whenever they could without danger of detection. The "Molasses Act" especially was very little regarded. Notwithstanding the prohibition of the export of provisions, a very profitable trade, even during the war, continued to be carried on with the French sugar colonies through the medium of flags of truce, granted by the colonial governors under pretense of an exchange of prisoners. As facilities for this trade, the neutral Dutch and Danish islands, St. Eustatius and St. Thomas, became thriving

marts of commerce. By the same channels, in spite of the acts of navigation, European manufactures found their way to the colonies. By way of standing memorial of this illegal traffic, Bollan, previous to his appointment as agent for Massachusetts, while advocate of the Admiralty at Boston, had been accustomed always to wear a coat of French cloth. These and other obstacles to parliamentary authority had provoked, just at the close of the war, a new attack on the colonial charters. But the bill introduced into Parliament was zealously opposed, and, like so many others of the same sort, was presently abandoned. CHAPTER XXV. 1748 1749.

The import of colonial iron into England had been burdened with very heavy duties; but those duties produced an effect not reckoned upon by the English iron masters, and very little relished. The colonists, thus deprived of a market for their pig iron, were led to attempt the manufacture of steel and bar iron for domestic use. The production of British iron began to be limited by the decrease of forests—the use of fossil coal, in the process of smelting, not being yet understood. Hence a change in the policy of the mother country, by which colonial bar iron was admitted free from duty into London, and pig iron into the rest of the kingdom, while the establishment in the colonies of slitting, rolling, and plaiting mills, or furnaces for the manufacture of steel, was prohibited, all new ones being liable to destruction as "nuisances." By a late act of Virginia for the encouragement of iron works, all persons so employed were to be exempt from colony taxes for seven years. 1750. 1748

Formal complaints were presently lodged by the British West India merchants against the trade carried on from the North American colonies to the foreign West

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Indies, particularly from Massachusetts and Rhode Island. The agents for these colonies undertook to show, in reply, that the New England rum manufactured from the molasses thus obtained was the mainstay of the trade of New England, being an article absolutely necessary for the timbermen, mastmen, loggers, and fishermen, without which they could not endure the hardships of their business, and the sale of it in the other colonies and on the coast of Guinea being also a chief means of paying for imports from Great Britain.

The value of the exports from Great Britain to North America for the ten years from 1738 to 1748 was,

To New England	£1,812,894	$8,049,261
To New York	1,211,243	5,377,920
To Pennsylvania	704,780	3,173,623
To Maryland and Virginia	2,507,626	11,133,859
To the Carolinas	1,245,091	5,528,203
	£7,481,634	$33,218,866

being an annual average of £748,163, or $3,221,886. The imports from the colonies were somewhat less. This deficit was confined, however, to the middle and northern colonies, the balance being paid in specie, the produce of their West India and African trade.

The list of enumerated articles which could be exported only to Great Britain, or, by prepayment of duties, to other colonies, included, at this time, ginger, cotton, dye-woods, sugars, tobacco, indigo, molasses, furs, copper ore, pitch, tar, turpentine, masts, and spars.

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COMMENCEMENT OF THE FINAL STRUGGLE BETWEEN THE FRENCH AND ENGLISH FOR THE COUNTRY ON THE GREAT LAKES AND THE MISSISSIPPI. FOURTH INTERCOLONIAL WAR.

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THOMAS WALKER, a land-surveyor of Virginia, penetrating through the mountainous southeastern regions of that province, had reached and crossed the ridge which separates the valley of the Tennessee from the head waters of the more northerly tributaries of the Ohio. To that ridge he gave the name of *Cumberland Mountains*, after the Duke of Cumberland, of the English blood royal, just then very famous by his victory over the Pretender at Culloden. The name of Cumberland was also given to one of the rivers flowing down the western slope of that ridge. A more northerly stream, called by Walker the Louisa, still preserves its aboriginal appellation of *Kentucky*, not, however, without conformity to the English idiom in a retraction of the accent from the last to the second syllable. The region entered by Walker, full of abrupt and barren mountains, attracted little attention. The country about the head of the Ohio seemed much more inviting. 1747.

An association of London merchants and Virginia land speculators, known as the "Ohio Company," obtained in England, shortly after the peace, a grant of five hundred thousand acres of land on the east bank of that river, with exclusive privileges of Indian traffic—a grant esteemed an encroachment by the French, who claimed as 1749 March.

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theirs, by right of discovery and occupation, the whole region watered by the tributaries of the Mississippi. A
1749. counter claim, in virtue of the British protectorate, recognized by the treaties of Utrecht and Aix la Chapelle, was indeed set up by the English, in the name of the Six Nations, whose empire, it was alleged, had been carried by conquest over the whole Ohio Valley, and the basin, also, of Lakes Ontario and Erie—a view maintained by Colden in his "History of the Five Nations," first published some twenty years before, and lately revived in a new edition. The French, in reply, pointed to their posts along the great lakes and the waters of the Mississippi, more than sixty in number, many of them of considerable antiquity, and the principal ones held by regular garrisons, relieved once in six years. The missions had declined, but the Indian trade continued to flourish. Such of the disbanded soldiers as chose to remain, besides a grant of land, received a cow and calf, a cock and five hens, an ax, a hoe, a gun, with powder and shot, grain for seed, and rations for three years. Wives were sent out to them from France, or they intermarried with the Indians. The boats from the Illinois country, descending annually to New Orleans, carried flour, Indian corn, bacon, both of hog and bear, beef and pork, buffalo robes, hides and tallow. The downward voyage was made in December; in February the boat returned with European goods for consumption and Indian traffic. The Indians northwest of the Ohio, including the remains of the tribes whom the Iroquois had formerly driven from their homes on the Ottawa, the Hurons or Wyandots, the Miamis, the Illinois, all rejoiced in the alliance, or recognized the authority of the French. As respected the country on the upper lakes, the Mississippi, the Illinois, and the Wabash, the French title, according to European usage, was complete.

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The country immediately south of Lake Erie, covered with dense forests and with few Indian inhabitants, had hitherto, in a great measure, been neglected. But the Count De la Galissonniere, shortly after the treaty of peace, had sent De Celoron, with three hundred men, to traverse the country from Detroit east to the mountains; to bury at the most important points leaden plates with the arms of France engraved; to take possession with a formal process verbal; and to warn the English traders out of the country.

April.

To secure Nova Scotia, to guard the commerce and fisheries of New England, and to offset the restored fortress of Louisburg, the British government hastened to establish at Chebucto the military colony and fort of Halifax, so called after the president of the Board of Trade, who took a great interest in its establishment. Posts were also set up at Windsor and Minas, at the head of the Bay of Fundy; and the French inhabitants of Nova Scotia were required to take an unconditional oath of allegiance, under penalty, if they refused, of confiscation of their property.

June.

Admiral De la Jonquiere having entered upon the government of New France, his predecessor, De la Galissonniere, proceeded to Paris as one of the boundary commissioners under the late treaty. In two thick quarto volumes of protocols, these commissioners vainly attempted to settle what had been meant in the treaty of Utrecht by the "ancient limits" of Acadie. The English claimed under that appellation both shores of the Bay of Fundy —indeed, the whole region east of the Penobscot. The French, on the other hand, sought to restrict the cession of Acadie to the peninsula to which the name of Nova Scotia is at present confined, claiming the north shore of the Bay of Fundy as a part of Canada—a construction

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favored by the fact that the post at the mouth of the River St. John's had all along remained in their hands.

1749. Nor did they satisfy themselves with protocols only. Troops from Canada established the forts of *Beau Sejour* and *Gaspereau*, at the narrowest part of the isthmus, between the waters of the Bay of Fundy and those of the Gulf of St. Lawrence—a vicinity in which was planted a considerable body of ancient French colonists, still warmly attached to the French interest. Too weak to dislodge these intruders, Cornwallis, governor of Nova Scotia, wrote pressingly to Massachusetts for aid, and

1750. meanwhile he caused *Fort Lawrence* to be built opposite Beau Sejour, at Beau Bassin (now Cumberland Basin).

About the same time the Ohio Company dispatched Christopher Gist on a journey of exploration; and along with Croghan, an agent of Pennsylvania, he penetrated through the country north of the Ohio as far as the Miami, holding treaties with the Indians, particularly those

1751. of the village of Piqua, on that river.

The French governor general, not less active in this competition for the possession of the West, had established a new mission and fort at the head of the great

1749. rapid of the St. Lawrence, at Oswegatchie (now *Ogdensburg*). He had strengthened the fort at Niagara; and, what was of still more consequence, had stirred up the jealousy of the Six Nations against the claim of dominion over them set up by the English. The Marquis Du Quesne, Jonquere's successor, pursued the same policy.

1752. Measures were taken to counteract the negotiations of Gist and Croghan; and when the tribe at Piqua refused to abandon their connection with the English, and to give up the traders of that nation, their village was attacked and burned, their chief killed, the English traders seized, and their merchandise confiscated. Means, too, were

found to detach from the English interest the greater part of those mixed bands of Delawares and Shawanese whom the pressure of new settlements had driven from the Susquehanna toward the Ohio, and who saw with alarm the establishment by the Ohio Company of a fort at *Redstone* (now *Brownsville*), on the Monongahela. Twelve hundred men from Montreal built a fort at Presque Isle (now *Erie*), on the southern shore of the lake of that name, and, crossing thence to the waters flowing south, they established posts at *La Bœuf* and *Venango*. CHAPTER XXVI. 1752. 1753.

The Board of Trade reported to the king that, "as the French had not the least pretense of right to the territory on the Ohio, an important river rising in Pennsylvania and running through Virginia, it was matter of wonder what such a strange expedition in time of peace could mean, unless to complete the object so long in view of conjoining the St. Lawrence with the Mississippi." Lord Holderness, successor to the Duke of Bedford as secretary of state, dispatched orders to the governors of Pennsylvania and Virginia to repel force by force "whenever the French were found within the undoubted limits of their provinces." After remaining for three years in the hands of Thomas Lee and Lewis Burwell, successive presidents of the council, the government of Virginia had passed to Robert Dinwiddie as lieutenant governor, a Scotsman of ability, surveyor general of the colonial customs, and previously a counselor, but not possessed of that suavity of manners for which Gouch, his predecessor, had been distinguished. Observing with anxiety and alarm the movements of the French, Dinwiddie held a treaty with the Indian bands on the Monongahela, from whom he purchased permission to build a fort at the junction of that river with the Allegany. He resolved, also, to send a message to the nearest French post, to de- 1749. 1750. 1752. 1753. Sept.

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mand explanations, and the release and indemnification of the captured traders. As bearer of this message he

1753. selected George Washington, a native of Westmoreland county, on the Potomac, where his ancestors had been planters for three generations. The paternal inheritance, by the law of primogeniture, having passed to his elder brother, the young Washington, a major in the militia, followed the lucrative but laborious profession of a land surveyor in the Northern Neck, now the property of Lord Fairfax. Though not yet twenty-two, already he gave evidence of that rarest of combinations, a sound judgment, with courage, enterprise, and capacity for action. Piloted by the active and intelligent Christopher

Nov. Gist, after a dangerous winter's journey of four hundred miles, with only four or five attendants, the greater part of the way through uninhabited forests, Washington reached the French post at Le Bœuf, where he was received with characteristic politeness. St. Pierre, the commander, promised to transmit Dinwiddie's message to his superiors in Canada, under whose orders he acted; but the French officers, over their cups, made no secret to Washington of the intention entertained by the French government permanently to occupy all that country.

During Washington's absence, Dinwiddie applied to the Assembly for funds. But he found that body in very bad humor. With the consent of the Board of Trade, a fee had recently been imposed on the issue of patents for lands—a practice long established in other colonies, but hitherto unknown in Virginia. The House of Burgesses paid no attention to Dinwiddie's complaint of French encroachments and call for money. Wholly engrossed by the affair of the obnoxious fee, they resolved that whosoever paid it ought to be regarded as betraying the rights of the people; and they sent to England, as bearer

of their complaints, Peyton Randolph, attorney general of the province, twenty years after president of the Continental Congress, to whom they voted a salary of £2000 out of the provincial funds in the hands of the speaker. 1753.

Notwithstanding this disappointment, Dinwiddie enlisted a captain's command, and sent them to build a fort at the junction of the Allegany and the Monongahela. The western boundary of Pennsylvania was not yet run. It was uncertain whether the head of the Ohio fell within that province; if not, it was claimed as appertaining to Virginia.

As soldiers could not be supported without money, Dinwiddie called on the neighboring colonies for aid, and presently again summoned the Virginia Assembly. 1754. Jan.
Washington had now returned. The designs of the French were obvious, and the Assembly granted £10,000 toward the defense of the frontiers. A committee of the burgesses was appointed to act in concert with the governor in the expenditure of this money—an "encroachment on the prerogative," to which, from necessity, Dinwiddie reluctantly submitted.

Urged by Governor Hamilton to take measures to withstand the intrusions of the French, the Assembly of Pennsylvania offered supplies in paper money. But to Feb.
this Hamilton, by his instructions, could not assent, at least not without a suspending clause of reference to England, to which the Assembly would not agree.

Again urged to co-operate with Virginia, the Assembly passed a new bill for paper money supplies, which the governor again rejected. Some members of the As- May.
sembly—and the same was presently the case in New York—expressed doubts if the crown actually had any claim to the territory on which the French were said to be encroaching. Governor Glen, of South Carolina,

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doubted too. But any such doubts were regarded by the zealous Dinwiddie as little short of treason. In New
1754. York also, as well as in Virginia and Pennsylvania, internal disputes distracted attention from the designs of the French. Clinton had resigned, wearied out by ineffectual struggles against Delancey, who had been joined, also, by Colden, and whom the united influence of Alexander, Smith, and Johnson, lately raised to the coun-
1753. cil, was not sufficient to overmatch. His successor, Sir
Sept. Danvers Osborne, came from England charged to rebuke the Assembly, and to re-establish the executive authority. His friends had obtained for him this appointment, hoping that business and a change of scene might enable him to throw off a fit of melancholy under which he was laboring. But the hopelessness of the task he had assumed so aggravated his disorder, that, within five days after his arrival, he committed suicide.

It fell to Delancey, as lieutenant governor, to which dignity he had just been raised, to lay Osborne's instructions before the Assembly. An address to the king and a representation to the Board of Trade indignantly denied the imputations of turbulence and disloyalty; but all the arts of Delancey were exhausted in vain to move the Assembly from their policy of annual votes. The most he could obtain was, that money once voted should be drawn out of the treasury on the order of the governor and council, and a promise not to interfere with executive matters.

The government of Maryland had recently been conferred on Horatio Sharpe, a military officer; but a quarrel about supplies, similar to that in Pennsylvania, prevented the aid which Dinwiddie had asked.

North Carolina alone, of all the colonies applied to, responded promptly by voting a regiment of four hundred

and fifty men. The temporary administration of that province was held by Michael Rowan as president of the council, who availed himself of this opportunity to consent to a new issue of paper money. But these North Carolina troops proved of little use. By the time they reached Winchester in Virginia, the greater part had disbanded on some doubts as to their pay, the appropriation for that purpose being already exhausted. CHAPTER XXVI. 1754. March

A regiment of six hundred men had been enlisted in Virginia, of which Frye was appointed colonel, and Washington lieutenant colonel. To encourage enlistment, Dinwiddie promised two hundred thousand acres of land to be divided among the officers and soldiers. Two independent companies from New York and another from South Carolina were ordered to Virginia to assist in the operations against the French.

The Virginia troops, on their march to the frontier, encountered abundance of difficulties. Very little disposition was shown to facilitate their progress. It was only by impressment that means could be obtained to transport the baggage and stores. By slow and toilsome steps, the troops made their way to Will's Creek, on the Potomac, where they were met by alarming intelligence. The French, under Contrecœur, had descended in force from Venango, and, having sent off Dinwiddie's soldiers, who were building a fort at the head of the Ohio, they had themselves seized that important spot and commenced a fort, which they called Du Quesne, after the governor general. April 17.

A detachment hastily sent forward under Washington, with some friendly Indians as guides and scouts, discovered, near the *Great Meadows*, so called, at the east foot of the Laurel Hills, an advanced French party, whose commander, Jumonville, attacked by surprise, was killed, with ten others—the first blood shed in this war.

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By Frye's death the chief command devolved on Washington. He was soon joined by the rest of the troops, and, having erected a stockade at the Great Meadows, called Fort Necessity, pushed on toward Du Quesne. The approach of a much superior force under M. de Villier, brother of Jumonville, obliged him to fall back to Fort Necessity. His troops were fatigued, discouraged, and short of provisions; and, after a day's fighting, he agreed to give up the fort, and to retire with his arms and baggage. Washington did not know French; his interpreter, a Dutchman, was ignorant or treacherous, and the articles of capitulation were made to contain an express acknowledgment of the "assassination" of Jumonville. Having retired to Will's Creek, Washington's troops assisted in the erection of *Fort Cumberland*, which now became the westernmost English post.

1754. July 3.

At the same time with his orders to Virginia and Pennsylvania, Holderness had addressed a circular letter to all the colonies, proposing a convention at Albany of committees from the several colonial Assemblies, to renew the treaty with the Six Nations, whose friendship, at this crisis, was of great importance. Agreeably to this recommendation, New York, Pennsylvania, Maryland, and the four New England colonies appointed committees. While Washington was operating toward the Monongahela, this convention met, and, after carefully settling the question of precedence, organized itself, with Delancey, of New York, as presiding officer. The ill feeling between the governor and the Assembly of Virginia prevented any representation from that colony.

Shirley, Clinton, and Dinwiddie had insisted much with the Board of Trade on the necessity of an act of Parliament to compel the colonies to contribute to the common defense, the Assemblies being either "ignorant, obsti-

nate, or independent." The General Court of Massachusetts had also suggested "that the control of Indian affairs be put under such general direction as his majesty shall judge proper; and that the several governments shall be obliged to bear their proportions of defending his majesty's territories against the encroachments of the French and the incursions of the Indians." The committee from Massachusetts had been authorized to enter into articles of union and confederation; and, while the treaty with the Indians was proceeding, the Convention was invited to consider whether the union of the colonies for mutual defense was not, under existing circumstances, desirable.

This question being decided in the affirmative, a committee was appointed, of one delegate from each colony, to draw up a plan of union. Such a plan, sketched by Franklin, who sat as a member from Pennsylvania, was reported by the committee, and adopted by the Convention, the Connecticut delegates alone dissenting. It proposed a grand council of forty-eight members: seven from Virginia; seven from Massachusetts; six from Pennsylvania; five from Connecticut; four each from New York, Maryland, and the two Carolinas; three from New Jersey; and two each from New Hampshire and Rhode Island; this number of forty-eight to remain fixed; no colony to have more than seven nor less than two members; but the apportionment within those limits to vary with the rates of contribution. This council was to undertake the defense of the colonies as a general charge, to apportion quotas of men and money, to control the colonial armies, to enact ordinances of general interest, and to provide for the general welfare. It was to have for its head a president general, appointed by the crown, to possess a negative on all acts of the coun-

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cil, and to have, with advice of the council, the appointment of all military officers, and the entire management
1754. of Indian affairs. Civil officers were to be appointed by the council, with the consent of the president. Such was the first official suggestion of what grew afterward to be our present Federal Constitution. It can not, however, be said to have originated with Franklin. A very similar proposal had been made by Coxe—the same New Jersey speaker whose expulsion Hunter had procured—in his "Corolana," originally published in 1722, and a second edition in 1741; and much the same thing had been suggested by Penn as long ago as 1697.

This plan of union seemed to the colonial Assemblies to give too much power to the crown, and they all rejected it. For the opposite reason, it found just as little favor with the Board of Trade. They had already concocted a plan of their own—a Grand Assembly of colonial governors and certain select members of the colonial councils, with power to draw on the British treasury, the sums thus drawn to be reimbursed by taxes imposed on the colonies by act of Parliament. But this idea of parliamentary taxation proved very unpalatable to the colo-
1755. nists; and Massachusetts specially instructed her agent "to oppose every thing that shall have the remotest tendency to raise a revenue in America for any public uses or services of government."

Besides these affairs of general interest, the delegates to the Albany Convention from Connecticut and Pennsylvania had matters of their own to manage. Connecticut, like Massachusetts, Virginia, and the Carolinas, had, by its charter, a nominal extent westward to the Pacific. Prior occupancy by the Dutch and a settlement of boundaries had created an exception in favor of New York and New Jersey; but all the country west

of the Delaware, within the same parallels of latitude with Connecticut, was still claimed under the charter as a part of that province. An association, called the "Susquehanna Company," with the consent of the Connecticut Assembly, had applied in England for leave to plant a new colony west of the Delaware. This company had their agents at the Convention at Albany; and those agents, in spite of the opposition of the Pennsylvanians, succeeded in obtaining from the Indians present, or some of them, the cession of a tract on the east branch of the Susquehanna, afterward famous as the Valley of Wyoming. CHAPTER XXVI. 1754.

To counteract the projects of the Susquehanna Company, the Pennsylvania agents at the same Convention purchased of the Six Nations for £400 their claim to most of the unceded lands of that province. This purchase, made without the privity of the Delawares and other bands, by whom those lands were actually occupied (though the Six Nations claimed a sort of feudal superiority over them), added new discontents on the part of the Indians to others already existing. Intrusive settlers, with little regard to the rights of the Indians, or, indeed, of the proprietaries, penetrating among the "endless mountains," as the chains west of the Blue Ridge were called, were already squatting along the banks of the Juniata and in the upper valley of the Delaware. Four new counties had been lately erected—*Bucks* and *Northampton* east of the Susquehanna, and *York* and *Cumberland* west of it. In point of population, Pennsylvania had already risen to hold the third rank among the colonies. The proprietaries denounced the Connecticut purchase of Wyoming as an infringement of their charter; but, in spite of their reclamations, another Connecticut association, called the "Delaware Company,"

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purchased of the Indians the adjoining tract on the east; but the war prevented its immediate settlement.

1754. Having returned from his unavailing mission abroad, Shirley had resumed the government of Massachusetts. But, what greatly damaged his popularity among a people so hostile to the French and to all popish connections, he brought with him from Paris a young wife, a French woman and a Catholic. Perceiving a war to be approaching, he summoned the Eastern Indians to renew their treaties. But they eagerly availed themselves of this new opportunity to raise the hatchet. For the sixth time within eighty years, luckily destined to be the last, the frontiers of New England again suffered.

1754. The General Court readily voted money to repel these hostilities; and, as an offset to a reported French fort near the head of the Chaudière—while Washington was

Aug. fortifying at Will's Creek—Shirley built Fort Halifax, high up the Kennebec. Hardly had the governor returned from the eastward, when Hoosick and Stock-

Sept. bridge, on the western frontier, were assailed by an Indian war party. These assailants belonged to a tribe largely composed of descendants of refugees driven from Massachusetts in the time of Philip's war. As a protection to that frontier, the Stockbridge tribe was taken into pay.

Maryland and New York voted in aid of Virginia, the one £6000, the other £5000; £10,000 were also received from England, whence came a commission to Sharpe, governor of Maryland, as commander-in-chief of the forces to be employed against the French. Warm disputes about rank and precedence had already arisen between the Virginia regimental officers and the captains of the independent companies. To stop this dispute, Dinwiddie had dispensed with field officers, and

broken the Virginia regiment into separate companies— an arrangement which had driven Washington from the service. CHAPTER XXVI. 1754.

The pending territorial disputes led about this time to the publication of the maps of Evans and Mitchell, the first embracing the middle colonies, the other the whole of North America. The first edition of Mitchell's map had appeared in 1749; but a new edition was now published, with improvements. The British North American colonies stretched a thousand miles along the Atlantic, but their extent inland was very limited. According to a return made to the Board of Trade, the population amounted to

Whites	1,192,896
Blacks	292,738
Total	1,485,634

New France, on the other hand, had scarcely a hundred thousand people, scattered over a vastly wider space, from Cape Breton to the mouth of the Mississippi, but mainly collected on the St. Lawrence, between Quebec and Montreal. The remote situation of their settlements, separated from the English by uninhabited forests and unexplored mountains, the very dispersion of their force over so vast a space gave the French a certain security, while the whole western frontier of the English, from Maine to Georgia, lay exposed to attack by the Indian tribes, disgusted by constant encroachments on their hunting grounds, and ripe and ready for a troublesome and cruel warfare. There were kept up in Canada, for the defense of the province, thirty-three companies of regular troops of about fifty men each.

The loud complaints of the English embassador at Paris were met by protestations esteemed unmeaning or insincere. A struggle was evidently impending in Amer-

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ica greater than had yet been known. The oversight of the colonies had passed now to Sir Thomas Robinson; and he, in conjunction with the Duke of Cumberland, the commander of the forces, prepared for a war, which both parties still professed the greatest anxiety to avoid. New clauses introduced into the annual Mutiny Act subjected the colonial soldiers, when acting in conjunction with regular troops, to the rigid rules of the regular service, and required the colonial Assemblies to provide quarters and certain enumerated supplies for the regular troops within their jurisdictions. General Braddock, appointed commander-in-chief, was dispatched to the Chesapeake with two British regiments. Two regiments of a thousand men each, to be paid by the crown, one Pepperell's, the other Shirley's, were ordered to be raised and officered in New England. The colonies were also to be called upon for their respective quotas of colonial levies. As the Quaker Legislature of Pennsylvania had scruples about raising troops, three thousand men were to be enlisted in that province by authority of the crown.

1755.

Feb.

April. At Alexandria, on the Potomac, Braddock met a convention of colonial governors, with whom he settled the plan of the campaign. He undertook to march in person against Fort Du Quesne, and to expel the French from the Ohio. Shirley, lately promoted to the rank of major general, was to march against Niagara. The capture of Crown Point, already planned by Shirley, and resolved upon by Massachusetts, was intrusted to Johnson, whose ascendency over the Six Nations had lately procured for him a royal appointment as general superintendent of Indian affairs, with the sole power of making treaties. There was already on foot a fourth expedition, concerted by Shirley with the authorities of

Nova Scotia, for the capture of the French posts near the head of the Bay of Fundy, and the expulsion of the French from that province. CHAPTER XXVI. 1755.

In anticipation of Braddock's arrival, application for troops had already been made by the several governors. Massachusetts responded with zeal, and a levy was ordered of three thousand two hundred men. The exportation of provisions, except to other British colonies, and any correspondence with the French, were prohibited; but it required a pretty watchful eye to put a stop to this commerce. The treasurer was authorized to borrow £50,000, $166,666, on the credit of taxes to produce that sum within two years. This method of providing funds proved successful, and was adhered to during the war.

Among the taxes thus imposed, in addition to the usual property tax, was an excise on wines and spirituous liquors. Every family was required to give an account, under oath, of the quantity annually consumed. This clause—indeed, the tax itself—produced a great excitement among the merchants, especially the liquor dealers, who declaimed against the inquisitorial character of the tax, and sounded the praises of rum as a necessary of life, especially on the frontiers, where, it was said, the water could not be drunk without it. The towns of Boston, Salem, and Gloucester appealed against the excise to the Board of Trade. It was sustained, however, as "a matter of private economy, of the propriety of which the General Court was the proper judge." In reference to this tax, Fowle, publisher of one of the Boston newspapers, printed a satirical pamphlet against the General Court, in consequence of which he and a supposed author of the pamphlet were imprisoned for contempt. Fowle brought an action for damages, but was cast in costs. The next

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year he removed to Portsmouth, and established there the first newspaper in New Hampshire. Connecticut also obtained at this time its first newspaper.

1755.

New Hampshire voted three hundred and fifty men, and issued paper money to support them. Similar issues were made by Rhode Island and Connecticut, which latter colony furnished three thousand men.

May.

Stephen Hopkins, afterward a signer of the Declaration of Independence, now chosen governor of Rhode Island, held that office while the war continued, except in 1757, when Greene, the former governor, was again chosen. In Connecticut, Law had been succeeded as governor, in 1751, by Roger Wolcott, commander of the Connecticut troops at the capture of Louisburg during the late war. Bound an apprentice at the age of twelve, without ever having had a day's schooling, Wolcott's talent, energy, and perseverance raised him through a long succession of public trusts. After holding office for three years, he was succeeded, in 1754, by Thomas Fitch, who continued governor, by annual re-elections, for the twelve years ensuing. Phineas Lyman, a popular lawyer, was appointed major general of the Connecticut forces. But when the provincials and regulars acted together, by a new and very offensive order, no colonial officers were recognized of a higher rank than captains.

The Assembly of New York voted £45,000 in paper bills for erecting fortifications and enlisting eight hundred men. They ordered barracks to be built; and though they made no appropriation for supplying the other articles required by the Mutiny Act, their unexpected promptitude and liberality were highly applauded by the Board of Trade. The New Jersey Assembly, besides providing for the subsistence of the king's troops as the Mutiny Act required, ordered five hundred men

to be raised, and, to pay the expense, they issued £70,000 of new paper. CHAPTER XXVI.

If the zeal and energy of the six northern colonies surpassed the expectations of the Board of Trade, the aid furnished by the more southern provinces was comparatively trifling. Unable to manage the Assembly of Pennsylvania, Hamilton had resigned the office of deputy governor to Robert H. Morris, chief justice of New Jersey, which office he still continued to hold—an adroit and able man, son of that Lewis Morris so conspicuous in the politics of New Jersey and New York. The Assembly proposed to issue £40,000 in paper, half of it for the use of the crown, to be redeemed by renewing the excise for twelve years. Morris was ready to consent to the issue; but, in conformity to his instructions, he insisted on limiting the excise to five years, a period sufficient to produce the means of redemption. The Assembly was resolved to have the excise for seven years longer at their sole disposal. An acrimonious controversy ensued, in which Morris on the one hand, and Franklin on the other, displayed equal acuteness and obstinacy. In an address to the king, the Assembly stigmatized the proprietaries' instructions to their deputy governor as the principal, if not the sole obstruction to the granting of £20,000 to the king's use. But the Board of Trade sided with the proprietaries; and, after a hearing by counsel, they pronounced this complaint wholly unfounded. Though determined not to yield the point in dispute, the Assembly was anxious to avoid the imputation of withholding supplies. They had the exclusive control of an annual revenue of upward of £7000, the produce of the unexpired Excise Act; and by their own sole authority, without consulting the governor, they issued, on the credit of it, £15,000 in paper money,

1754. Dec.

1755. April.

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of which they appropriated one third toward Braddock's expedition, and the other two thirds toward the enterprise against Crown Point. A further call being presently made for cannon, provisions, and stores toward the occupancy of Fort Du Quesne, the Assembly voted another paper-money and excise law, which the governor refused to sanction.

June.

The Assembly of Maryland voted toward Braddock's expedition £10,000 in paper, to be redeemed out of fines and forfeitures. But the fines and forfeitures were claimed as a part of the personal revenue of the proprietary; the council non-concurred, and the appropriation thus fell to the ground.

After a hearing in England, the Virginia dispute about fees for land patents had been compromised, and, "because the times required harmony and confidence," Dinwiddie had been directed to restore Randolph to his former office of attorney general. But feeling on this subject did not immediately subside, a dispute being still kept up about Randolph's payment as agent. The Assembly voted, however, £20,000 toward the support of the colonial levies; and, in anticipation of the taxes imposed to meet it, authorized the issue of treasury notes—the first paper money of Virginia.

As further aid toward "repelling the encroachments of the French," North Carolina voted £8000. The government of that province had recently been given to Arthur Dobbs; and, thankful for the appointment of a ruler of "known abilities and good character"—for so the Assembly described him—they promised to "forget former contests." But the new governor, anxious to enhance his authority, soon became involved in disputes with the Assembly, whose speaker, Starkie, he stigmatized "as a Republican of puritanic humility, but un-

bounded ambition." Starkie was treasurer as well as speaker. He could lend money to the delegates; and his influence far exceeded that of a governor "who had not the power of rewarding his friends." CHAPTER XXVI. 1755.

In South Carolina, as in Maryland, the proposed grant of supplies was defeated by a violent quarrel between Governor Glen, the council, and the Assembly, as to the method of raising them. Georgia was yet too weak to look beyond her own narrow settlements.

After twenty years' efforts, and the expenditure of parliamentary grants to the amount of more than $600,000, £136,600, besides £17,600 contributed by private ostentation or charity, when the trustees surrendered their rights under the charter, Georgia contained only three small towns and some scattered plantations, with seventeen hundred white inhabitants and four hundred negroes. The total value of the exports for the three years preceding had hardly amounted to $13,000. The expectation of wine and drugs had been totally relinquished, but some hopes of silk were still entertained. 1752. June.

Just after the surrender of the charter, Georgia received an important accession. The people of Dorchester, in South Carolina—a town founded some fifty years before by Puritan emigrants from New England, and whose inhabitants still preserved their original church organization, and many of their New England sentiments—removed in a body, and settled on the River Midway, intermediate between the Savannah and the Altamaha.

The Board of Trade having reported a form of government for Georgia, John Reynolds, a captain in the navy, arrived soon after with a royal commission as governor. By an ordinance of the governor and council, a General Court of two judges was established, with juris- 1754. March 5 Oct. 29

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diction in all criminal matters, and in all civil cases also above the value of 40*s.*, with an appeal to the governor and council when the matter in dispute amounted to £300, and if it exceeded £500 a further appeal to the king in council. The governor was to act as chancellor and Admiralty judge. Justices of the peace had jurisdiction in all cases under 40*s.* value. All offenses committed by slaves were to be tried by a single justice without a jury, who was to award execution, and in capital cases to set a value on the slave, to be paid out of the public treasury.

1754. Reynolds was able to give the Board of Trade but a discouraging account of the state of the province. In his first dispatch, he describes the town of Savannah as containing "about a hundred and fifty houses, all wooden ones, very small, and mostly old." At Frederica, late the rival of Savannah, Reynolds found "the fortifications entirely decayed, and the houses falling down."

1755. Jan. 7. The General Assembly presently met, composed of nineteen delegates, for whose election the colony had been divided into three districts. The delegates were required to possess five hundred acres of land. Voters must possess fifty acres, but owners of town lots were presently admitted to the same privilege. The governor made a "modest and judicious speech," to which the council and Assembly replied in the same spirit. But the infant government was soon endangered by the machinations of one Edmund Gray, "a pretended Quaker and fugitive from justice in Virginia," who got a "qualification" made over to him, and procured an election as a representative from Augusta. He had some scheme for engrossing the Indian trade, for promoting which he was ready, it was said, to overturn the existing government. He persuaded five other members to join in at-

tempting to break up the session by withdrawing from the Assembly, in consequence of which, and for signing wnat the Assembly called a "seditious letter," Gray and four others were expelled. Twelve acts were passed, three directed against the late disorganizers, and others for training the militia, laying out roads, regulating fences, erecting a market at Savannah, keeping up the light-house at Tybee Island, for the regulation and government of slaves, ascertaining the rate of interest, providing for the support of government, and issuing a paper loan of £3000; but this last act was disapproved by the Lords of Trade. The currency of Georgia hitherto had consisted of bills of exchange in small sums, payable at sight, drawn on the trustees in London. Prior to their surrender, these bills had been mostly paid, and money was lodged to meet those outstanding at par—a rare incident in the history of colonial paper money.

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A French squadron destined for America was known to be fitting out at Brest, on board of which Dieskau presently embarked with four thousand troops. To intercept this squadron, Boscawen was sent with a British fleet to cruise on the banks of Newfoundland. Suspecting some such scheme, most of the French ships entered the Gulf of St. Lawrence by the Straits of Belle Isle, whence they proceeded to Quebec. Others, passing Boscawen in the fog, landed a thousand men at Louisburg. May. Two only of the French transports, with eight companies on board, fell into the hands of the English.

In consequence of this attack, the French embassador was recalled from London. The English ministry re- July. torted by issuing letters of marque and reprisal, under which a great number of valuable merchant vessels and not less than seven thousand French seamen were seized. The French complained loudly as well of these aggres-

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sions as of Washington's attack on Jumonville. The English, in excuse, charged the French with invading
1755 Virginia and Nova Scotia. Hostilities were already flagrant, but neither party issued as yet a declaration of war.

While Boscawen was still cruising off Newfoundland, watching for the French fleet, three thousand men embarked at Boston for the Bay of Fundy. These troops, forming a regiment of two battalions, were led by John Winslow, a great-grandson of Edward Winslow, one of the patriarchs of Plymouth colony, and grandson of the commander of the New England forces at the great swamp fight in Philip's war; himself, during the previous war, a captain in Vernon's West India expedition. It was principally through his popularity and influence that the enlistments had been procured. He was a major general in the Massachusetts militia, but was persuaded on this occasion to accept a commission as lieutenant colonel. Arrived at Chignecto, at the head of the bay, Winslow's forces were joined by three hundred British regulars, the garrison of the British posts in that neighborhood, under Colonel Moncton, to whom Shirley had given a Massachusetts commission with a rank higher than Winslow's. Under his command, they marched against the French forts recently established on the two shores of the isthmus at Beau Sejour and
June 16. Gaspereau. Taken by surprise, these forts made but trifling resistance. The fort at the mouth of the St. John's, on the approach of an English detachment, was abandoned and burned. The expulsion of the French troops from the Bay of Fundy had been accomplished without difficulty. But what was to be done with the French colonists, amounting now to some twelve or fifteen thousand, settled principally in three detached bod-

ies about Beau Bassin, "the beautiful basin" of Chig- CHAPTER XXVI.
necto, on the no less beautiful basin of Minas—the two
divisions into which the upper Bay of Fundy divides 1755.
—and on the fertile banks of the basin or river of Annapolis.

It was forty years since Nova Scotia had become a British province; but these settlers, who had more than doubled their number in the interval, continued still French, not in language, religion, and manners only, but also in attachments, receiving their priests from Canada, and always ready to favor any movement that tended to restore them to their ancient allegiance. By the terms granted when the British authorities took possession of the province, they were excused from any obligation to bear arms against France, and were thence known as "French neutrals." But they did not act up even to that character. Three hundred of their young men had been taken in arms at the surrender of Beau Sejour, and one of their priests had been actively employed as a French agent. To curb these hostile people would require several expensive garrisons. If ordered to quit the country, and allowed to go where they pleased, they would retire to Canada and Cape Breton, and strengthen the enemy there. To devise some scheme adequate to this emergency, Lawrence, lieutenant governor of Nova Scotia, consulted with Boscawen and Mostyn, commanders of the British fleet, which had just arrived on the coast after its cruise to intercept Dieskau. These military men took counsel with Belcher, chief July 28
justice of the province, a son of the former governor of Massachusetts. The result was, notwithstanding an express provision in the capitulation of Beau Sejour that the neighboring inhabitants should not be disturbed, a plan for treacherously kidnapping the Acadiens,

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and transporting them to the various British provinces. The capitulation of Beau Sejour did not apply to the set-

1755. tlements of Minas and Annapolis; but the people there strenuously denied any complicity with the French invaders, which seems, indeed, in their case, to have been rather suspected than proved.

The Acadiens had preserved all the gay simplicity of ancient French rural manners. Never was there a people more attached to their homes, or who had more reasons for being so. They lived in rustic plenty, surrounded by herds of cattle and sheep, and drawing abundant crops from the rich levels, fine sediment deposited by the tides on the borders of the basins, and which their industry had diked in from the sea. Knowing how much was to be dreaded from despair, the ruthless design against them was kept a profound secret. Assembled

Sept. under various false pretenses at their parish churches, they were surrounded with troops, made prisoners, and hurried on board the ships assigned for their transportation! Wives separated from their husbands in the confusion of embarking, and children from their parents, were carried off to distant colonies, never again to see each other! Their lands, crops, cattle, every thing except household furniture, which they could not carry away, and money, of which they had little or none, were declared forfeit to the crown; and, to insure the starvation of such as fled to the woods, and so to compel their surrender, the growing crops were destroyed, and the barns and houses burned, with all their contents!

More than a thousand of these unfortunate exiles, carried to Massachusetts, long remained a burden on the public, too broken-hearted and disconsolate to do much for themselves. Their misery excited pity, in spite of the angry feeling created by protracted hostilities; but

such was still, in New England, the horror of popery, that they were not allowed to console themselves by the celebration of the mass. CHAPTER XXVI. 1755.

To every British North American colony was sent a quota of these miserable people, a burden on the public charity, for which the Assemblies were called on to provide. It was an object to get rid of them as speedily as possible. Some made their way to France, others to Canada, St. Domingo, and Louisiana, the expenses of their transport being paid in many instances by the colonial Assemblies. To such of these fugitives as escaped to Louisiana, lands were assigned in that district above New Orleans still known as the Acadien coast. The four hundred sent to Georgia built rude boats, and coasted northward, hoping to reach the Bay of Fundy. Few, however, were so lucky as to regain a French home and the ministrations of the Catholic faith. The greater part, spiritless, careless, and helpless, died in exile, victims of disappointment and despair. Such was the result of that rivalry of a century and a half between the English of New England and the French of Acadie. Such is religious and national antipathy. May we not hope that hatreds so atrocious are fast dying out?

The authors of this cruel scheme had been confirmed in their purpose by a repulse which the English had, meanwhile, sustained in the attempt to drive the French from the Ohio. Braddock's regulars had been landed at Alexandria, a small town lately sprung up near the head of ship navigation on the Potomac. But great difficulties were encountered in obtaining provisions and means of transportation. The contractors perpetually failed in their engagements, and Braddock and his quarter-master, both men of violent tempers, gave vent, with very little reserve, to expressions of disgust and con-

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tempt for the colonists. With great difficulty the troops reached Cumberland, where they came to a full stop.

1755. Franklin, in his character of deputy post-master, having visited the camp to arrange a post communication with Philadelphia, by assuming responsibilities on his own credit, which left him, in the end, a considerable loser, obtained wagons and horses among the Pennsylvania farmers, which enabled the army once more to move

June 10. forward. The regulars had been joined by the detached companies of the Virginia levies, and the whole force now amounted to twenty-two hundred men. Washington had been invited by Braddock to attend him as an aid-de-camp.

The distance to Fort Du Quesne was nearly a hundred and thirty miles, over several steep and rough ridges of the Allegany Mountains. Only Indian paths yet traversed this difficult and uninhabited country, through which the troops had to cut a road for the wagons and

June 19. artillery. Vexed at this delay, Braddock left Colonel Dunbar to bring up the heavy baggage, and pushed on in advance, at the head of thirteen hundred picked men. He was warned of the danger to which the nature of the country and the character of the enemy exposed him, and was advised to place the provincials in his front, to scour the woods; but he held both the enemy and the provincials in too much contempt to give attention to this advice. He had gained forty miles on Dunbar, and

July 9. was now within five miles of Fort Du Quesne, when, about noon, just after fording the Monongahela a second time, his van, under the command of Lieutenant-colonel Gage, was fired upon by an invisible enemy. The assailants, some two hundred French and six hundred Indians, with only thirteen French officers, and none above the rank of captain, were posted in an open wood, in some

shallow undulations just deep enough to conceal them as they lay flat on the ground among the high grass. Braddock's main body hastened up with the artillery, but the unseen enemy continued to pour in a deadly fire; and the British troops, seized with sudden panic, were thrown at once into hopeless confusion. In vain the general exerted himself to restore order. He had five horses shot under him, and soon fell mortally wounded. Not less than sixty officers, chosen marks for the enemy's bullets, were killed or disabled; among the latter, Horatio Gates, captain of one of the independent companies, and twenty years afterward a general in the revolutionary army. The provincials, acquainted with the Indian method of fighting, alone made any effectual resistance. Washington, still weak from the effects of a recent fever, put himself at their head. They were the last to leave the field, and partially covered the flight of the discomfited regulars. Delay was thus given for bringing off the wounded, but the baggage and artillery were abandoned to the enemy. The English lost, in killed and disabled, some seven hundred men, or more than half their force engaged. The loss of the French and Indians did not exceed sixty. The victors, intent on the spoils of the field, pursued only a few miles, but the flying troops did not rally till they reached the camp of Dunbar, who abandoned the expedition, and, having destroyed all the stores not needed for immediate use, retired first to Cumberland and then to Philadelphia.

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Shirley meanwhile, with his own and Pepperell's regiment, lately enlisted in New England, and some irregulars and Indians drawn from New York, was on the march from Albany to Oswego, where he proposed to embark for Niagara. He had rivers to clear, boats to build, roads to cut, and provisions and munitions to trans-

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port through the wilderness. The army reached Oswego at last, but seriously disabled by sickness, and discouraged by the news of Braddock's defeat, whose death

1755. Aug. 21. raised Shirley to the command-in-chief, in which he was presently confirmed by an appointment from England. Two strong forts were built at Oswego, vessels were prepared, and great preparations were made for proceeding against Niagara.

The Assembly of New York had already voted £8000 toward the enlistment in Connecticut of two thousand additional men for the Niagara and Crown Point expeditions. After hearing of Braddock's defeat, they raised four hundred men of their own in addition to the eight

Sept. 2. hundred already in the field. Delancey, though he was superseded in the government by Sir Charles Hardy, a naval officer, still retained the principal influence. The population was now 96,765, including 13,542 blacks.

The troops destined for the Crown Point expedition, some six thousand men, drawn from New England, New Jersey, and New York, advancing under General Lyman, of Connecticut, to the head of boat navigation on the Hudson, built there *Fort Lyman*, called afterward *Fort Edward*. Johnson joined them with the stores and artillery, assumed the command, and advanced to Lake George. Dieskau, meanwhile, had ascended Lake Champlain with three thousand men from Montreal; had landed at South Bay, the southern extremity of that lake, and had pushed on toward Fort Lyman. When quite near it, dreading its artillery, or for some other cause, he suddenly changed his plan, and marched to attack Johnson. Informed of his approach, Johnson sent forward Colonel Williams with a thousand Massachusetts troops, and a body of Mohawk Indians under Hendrick, a famous chief. In a narrow and rugged defile, about three miles from

the camp, this detachment encountered the whole of Dieskau's army. Williams and Hendrick were slain, and their force driven back in confusion. Williams had secured himself a better monument than any victory could give. While passing through Albany he had made his will, leaving certain property to found a free school for Western Massachusetts, since grown into "Williams College." CHAPTER XXVI. 1755. Sept. 5

Following up the defeated troops, Dieskau assaulted Johnson's camp. It was protected on both sides by impassable swamps, and in front by a breastwork of fallen trees. Some cannon, just brought up from Fort Edward, opened an unexpected fire, and the assailants were repulsed with very heavy loss. Dieskau, mortally wounded, was taken prisoner. The remains of his army fled to Crown Point. The French loss was estimated at a thousand men, the English at three hundred.

A party of New Hampshire troops, on their way from Fort Lyman, encountered the baggage of Dieskau's army, which they captured after overpowering the guard. These three actions, fought the same day, and known as the battle of Lake George, were proclaimed through the colonies as a great victory, for which Johnson was rewarded with the honors of knighthood, and a parliamentary grant of £5000. As Johnson had been wounded early in the action, the Connecticut troops claimed the honor of the victory for General Lyman, second in command. Israel Putnam, soon distinguished as an active partisan officer, afterward a revolutionary major general, was a private in one of the Connecticut regiments. One of the Massachusetts regiments was led by Pomeroy, who had served at the capture of Louisburg, and who fought afterward at Bunker Hill; another by Ruggles, afterward president of the Stamp Act Congress. The per-

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sonal history of Ruggles serves to illustrate the simple manners of those times. Son of a minister, he had been
1755. educated at Cambridge, had studied law, and commenced the practice of it in Plymouth and Barnstable with good success. Marrying the widow of a rich inn-keeper, he added tavern-keeping to his business as a lawyer. When the war broke out he entered into the military line, and, being a man of energy and sense, he served with distinction for the next five years. Under the superintendence of Gridley, engineer formerly at Louisburg and afterward at Bunker Hill, *Fort William Henry* was built, at the head of Lake George—a name which now first replaced that of *St. Sacrement*, given to it by the French a century before from the purity of its waters. But, though re-enforced from Massachusetts, which, on hearing of Braddock's defeat, had voted two thousand additional troops, Johnson made no attempt on Crown Point. He even allowed the French to establish and fortify themselves at Ticonderoga. The New Englanders accused him of incapacity; but he alleged the want of provisions and of draft cattle sufficient to justify active operations.

After having made great preparations at Oswego, heavy rains delayed Shirley's embarkation; and finally, owing to the approach of winter and the scanty supply of provisions, the enterprise against Niagara was given over
Oct. 24. for the season. Shirley left seven hundred men in garrison at Oswego; but all the colonial levies, except six hundred men to garrison Fort William Henry, and such troops as Massachusetts kept up at the eastward for frontier defense, were marched home and disbanded.

The frontiers of Pennsylvania, Maryland, and Virginia, uncovered by Dunbar's precipitate retreat, were exposed to war parties of Indians in the French interest. The discontented Delawares, on the northern borders of

Pennsylvania, and the Shawanese, in the interior, availed themselves of this crisis to commence hostilities. Governor Morris called loudly for men and money to defend the frontiers. The inhabitants of Philadelphia, in an address to the Assembly, urged a liberal grant. Dropping their favorite paper money project, the Assembly voted a tax of £50,000, to be levied on real and personal estates, "not excepting those of the proprietaries"—a clause, as they well knew, as contrary as the paper money to the governor's instructions. If that clause might be omitted, some gentlemen of Philadelphia, in the proprietary interest, offered to contribute £5000, the estimated amount of the tax on the proprietary estates. But the Assembly wishing to improve this emergency to establish a precedent, dexterously evaded the offer; the governor stood out, and the bill fell to the ground. Dunbar's regulars, advancing from Philadelphia toward the frontier, afforded temporary protection.

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1755.

July.

To furnish funds for defending their frontiers, the Assembly of Virginia voted £40,000 in taxes, in anticipation of which a new batch of treasury notes was issued. To Washington, for his gallant behavior at Braddock's defeat, £300 were voted, with lesser gratuities to several of the officers, and £5 to each of the surviving Virginia privates who remained in the service. Among the officers thus distinguished were Captain Adam Stephen and Surgeon Hector Craig, the one afterward a major general, the other at the head of the medical department of the revolutionary army. The Virginia regiment was reorganized, and Washington, again placed at its head, with Stephen for lieutenant colonel, undertook the difficult task of repelling the Indians, whose ravages now extended as far as Winchester. The Assembly of Maryland granted £6000 for the defense of the province,

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and an additional sum was raised by voluntary subscription. A body of militia presently took the field under
1755. Governor Sharpe; but soon a dispute arose between Sharpe and Dinwiddie as to the command of Fort Cumberland. The pretensions of Dagworthy, in the Maryland service, who had formerly borne a royal commission, and who claimed precedence on that account over all officers with merely colonial commissions, was another source of trouble; and Washington presently found himself obliged to make a winter's visit to Boston, to obtain from Shirley definitive orders on that point.

The Quakers were still a majority in the Pennsylvania Assembly, but they could no longer resist the loud cry to arms, raised in Philadelphia and re-echoed from the frontiers, occasioned by Indian inroads on the Juniata settlements. The proprietary party made every effort, and not without success, to stir up the public discontent. After a sharp struggle with the governor, in consideration of a voluntary contribution by the proprie-
Nov. taries of £5000, the Assembly consented to levy a tax of £55,000, from which the proprietary estates were exempted. The expenditure of this money was specially intrusted to a joint committee of seven, of whom a majority were members of Assembly, which committee became the managers of the war now formally declared against the Delawares and Shawanese. Thus driven, for the first time, to open participation in war, some of the Quaker members resigned their seats in the Assembly. Others declined a re-election. The rule of the Quakers came to an end; but this change did not reconcile the quarrel between the proprietaries and the Assembly, which insisted as strenuously as ever on the right to tax the proprietary estates, estimated now at the annual value of near £30,000.

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Toward the close of the year, Shirley met a convention of provincial governors at New York, to arrange plans for the next campaign. Expeditions against Fort Du Quesne, Niagara, and Crown Point were agreed upon, for which twenty thousand men would be necessary. New York voted seventeen hundred men as her quota, and issued £40,000 in paper to support them. But the New England colonies, exhausted by their late efforts, and disgusted by ill success, did not respond to the expectations of Shirley. Feebly supported in his own province, the commander-in-chief was fiercely assailed by Johnson and Delancey, who ascribed to his alleged want of military experience the ill success of the late expeditions against Niagara and Crown Point, and whose intrigues presently procured his recall. 1755.

1756. Jan

Acts were passed in Pennsylvania for enrolling a volunteer militia and for raising rangers by enlistment. Having been very active in procuring these enactments, Franklin undertook the military command of the frontier with the rank of colonel, and, under his direction, along the base of the Kittaniny Mountains, from the Delaware to the Maryland line, a chain of forts and blockhouses was erected, commanding the most important passes, and inclosing the greater part of the settlements. This volunteer militia, however, was far from satisfactory to the proprietary party, who sought by every means to obstruct it, and the act, at the request of the proprietaries, was presently set aside by a royal veto. On the other hand, some of the sturdier Quakers protested against a tax for war purposes, and advised a passive resistance to its collection. William Denny, a military officer, was sent out to supersede Morris as deputy governor.

May

The proprietary of Maryland having relinquished his

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claim to the fines and forfeitures, the Assembly granted £40,000, principally in paper money. A provision that papists should pay double taxes toward the redemption of this paper evinced the still existing force of sectarian hostility. The lands and manors of the proprietary were also included among the articles taxed. Fort Cumberland was too far in advance to be of any use, and a new fort, called Frederic, was built at that bend of the Potomac which approaches nearest the Pennsylvania line.

1756. March.

Fifteen hundred volunteers and drafted militia, commanded by Washington, and scattered in forts, afforded but an imperfect defense to the suffering inhabitants of the Virginia Valley, most of whom abandoned their farms. In apology for the small number of these forces, Dinwiddie wrote to the Board of Trade, "We dare not part with any of our white men to any distance, as we must have a watchful eye over our negro slaves." Dumas, the conqueror of Braddock, in command at Fort Du Quesne, and De Celeron at Detroit, were constantly stimulating the Indians. Du Quesne having returned to the marine service, the Marquis de Vaudreuil de Cavagnal had been appointed to succeed him as governor of New France.

The French had all along offered to treat; but they demanded as a preliminary the restoration of the merchant ships seized by the English—an act which they complained of as piratical. When this was refused, they commissioned privateers, and threatened to invade England with a fleet and army collected at Brest. To guard against this threatened invasion, a body of Hessian and Hanoverian troops was received into England. To excite the colonists to fresh efforts, £115,000 were voted as a reimbursement to the provinces concerned in Dieskau's defeat. Provision was also made for enlisting a royal

American regiment, to be composed of four battalions of a thousand men each; but the assignment—with a view to enlistments among the Germans—of seventy (reduced afterward to forty) commissions in this regiment to foreign officers, gave great offense in the colonies; as did another act for the enlistment of indented servants upon a compensation to be paid to their masters for the value of their time. CHAPTER XXVI. 1756.

All hopes of reconciliation being now over, England formally declared war against France, to which the French court speedily responded. May 18

Vigorous measures were meanwhile in progress for the supply and re-enforcement of Oswego. Bradstreet, of New York, appointed commissary general, employed in this service forty companies of boatmen, each of fifty men. Under him, Philip Schuyler took his first lessons in the art of war. William Alexander, another native of New York, known afterward in the revolutionary armies as Lord Stirling, acted as Shirley's military secretary. By promises of parliamentary reimbursements, and the advance to Massachusetts of £30,000 out of the king's money in his hands, Shirley assembled at Albany seven thousand provincials, chiefly of New England, under the command of General Winslow. The remains of Braddock's regiments, ordered on the same service, were presently joined by two new regiments from England, under General Abercrombie, who outranked and superseded Shirley. But the Earl of Loudoun, selected by the British war office as commander-in-chief, being daily expected, Abercrombie declined the responsibility of any forward movement. Loudoun, who had a commission also as governor of Virginia, gave an early specimen of his habitual procrastination by not arriving till late in the summer. It was then determined to proceed with the June 25

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bulk of the army against Ticonderoga and Crown Point, while one of the regular regiments marched under Gen-
1756. eral Webb to re-enforce Oswego—a movement too late.

While the English army lay idle at Albany, short of provisions, and suffering from the small-pox, Montcalm, Dieskau's successor, lately arrived from France with a re-enforcement of troops, had ascended the St. Lawrence, had crossed Lake Ontario, had landed near Oswego with a force of five thousand men, regulars, Canadian militia, and Indians, and had laid siege to the forts. One of them was abandoned as untenable. Colonel Mercer, the commanding officer, was killed. The dispirited troops,
Aug. 14. after a short bombardment, surrendered as prisoners of war. Upward of a thousand men, a hundred and thirty-five pieces of artillery, a great quantity of stores and provisions, and a fleet of boats and small vessels, built the year before for the Niagara expedition, fell into the hands of Montcalm.

To please the Six Nations, who had never been well satisfied at the existence of this post in the center of their territory, the French commander, with great policy, destroyed the forts, and by this concession induced the Indians to take a position of neutrality. The fall of Oswego occasioned almost as much alarm as the defeat of Braddock the year before. The British troops, on the march under Webb, fell back with terror and precipitation to Albany. Orders were sent to give over the march on Ticonderoga, and to devote the efforts of that army to strengthen Forts Edward and William Henry.

As the season advanced and their term of service expired, the provincials were disbanded. The loss by sickness had been very severe, and many died after their return. The regulars, except small garrisons at Forts Edwa l and William Henry, went into winter quarters

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1756.

at New York and Albany—not, however, till they had first been employed in keeping the peace between Massachusetts and New York. As the settlements approached each other, the boundary dispute between those two provinces had reached the extremity of riot and bloodshed. Loudoun's demand at New York for gratuitous quarters for his officers involved him in a violent quarrel with the citizens, whom he frightened, at last, into obedience.

More money being absolutely necessary for the defense of the frontiers, by a sort of compromise between the governor and the Assembly of Pennsylvania £30,000 were voted, to be issued in paper, and redeemed by a ten years' continuance of the lately-expired excise, to be appropriated toward the support of twenty-five companies of rangers. Franklin having retired from the military service, Armstrong—afterward a general in the revolutionary army—was commissioned as colonel, and he soon distinguished himself by a successful expedition against Kittaning, a hostile Indian town on the Allegany. Mercer, a Scotch physician—afterward also a revolutionary general—served in the same expedition as captain. The hostile Indians, thus attacked in their own villages, retired further to the west; yet scalping parties occasionally penetrated within thirty miles of Philadelphia. Large premiums were offered by the Assembly for Indian prisoners and Indian scalps. The feeling on the frontier against the Indians was very bitter. The Moravian missionaries, some of whose Indian converts had been seduced to join the hostile parties, became objects of suspicion. There were those, however, among the Quakers, still true to their pacific principles, who insisted, and not entirely without reason, that the Delawares, so long friendly to Pennsylvania, had not been driven into hos-

June.

Sept.

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tilities except by wrongs and intrusions that ought to be redressed. They formed an association, contributed

1756. money, and opened a communication with the Indians for the purpose of bringing about a peace. Several conferences, not wholly unsuccessful, were held with this intent at Easton. Sir William Johnson complained, indeed, that the Quakers had intruded upon his office of Indian agent and sole negotiator. Others alleged that by this interference claims were suggested which otherwise the Indians never would have thought of. It was considered a great innovation upon the usual course of Indian treaties when Tedyuscung, the Delaware chief, in one of the conferences at Easton, had for his secretary Charles Thompson, master of the Quaker academy at Philadelphia (afterward secretary to the Continental Congress). In spite of obloquy heaped upon them, in spite of accusations of partiality to the Indians and treachery to the white race, the Quakers still persevered; and a treaty held the next year at Lancaster, at which delegates from the Six Nations were also present, afforded a partial relief to the frontier of Pennsylvania.

The Carolinas, thus far, had escaped the ravages of war; but serious apprehensions began to be felt lest the Cherokees might be seduced from their allegiance. Though very ill armed, they could muster three or four thousand warriors. In a treaty held with them the year before, Governor Glen had obtained an extensive cession in the middle and upper part of South Carolina; after which, in accordance, as it is said, with long-repeated solicitations on the part of the Indians, he built Fort Prince George, on one of the head streams of the Savannah, within gun-shot of Kee-o-wee, the principal village of the Lower Cherokees. Another fort, in the country of the Upper Cherokees, on the head waters of

the Tennessee River, near the junction of that river with the Tellico, one of its southeastern branches, was also erected by Glen's orders, and named Fort Loudoun, after the commander-in-chief. CHAPTER XXVI. 1756.

In consequence of a violent dispute with the Assembly, in which Glen and his council had involved themselves, no military supplies had hitherto been granted by South Carolina. This quarrel abated on the arrival of a new governor, William H. Littleton, a cadet of the noble family of that name. He obtained a grant of £4000 toward enlisting two companies, to which a third was presently added, as garrisons for the forts. But the slave population of South Carolina was still more preponderant than in Virginia. It was no easy matter to enlist men, and the province presently received as welcome guests half a battalion of the Royal Americans, with three hundred colonial levies from North Carolina, and others from Virginia.

The plan for the next campaign, proposed by Loudoun at the annual military council, held this year at Boston, was limited to the defense of the frontiers and an expedition against Louisburg. To serve as garrisons for Forts William Henry and Edward, Loudoun called on New England for four thousand, and on New York and New Jersey for two thousand men. Governor Hardy being appointed to a naval command, Lieutenant-governor Delancey reassumed the administration of New York. The Assembly of New Jersey took advantage of this occasion to put out a new issue of paper money. New Jersey, as well as Pennsylvania, suffered from the incursions of the Delawares, against whom it continued necessary to guard. Jan. 19

To aid in the defense of Pennsylvania, Colonel Stanwix was stationed in the interior, with five companies

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of the Royal Americans; but this was only granted on condition that two hundred recruits should be enlisted for that regiment, to serve in South Carolina. The Pennsylvania Assembly, again yielding, had voted a levy

April. of £100,000, without insisting on their claim to tax the proprietary estates. But they protested that they did it through compulsion, and they sent Franklin as their agent to England to urge their complaints. The charter authorized the proprietaries, their deputies, and lieutenants to make laws "according to their best discretion," by and with the advice and consent of the freemen. The Assembly took the ground that the proprietary instructions to the deputy governors, being a restraint upon their discretion, were therefore illegal and void.

Washington, with the Virginia levies, continued to watch the frontiers of that province. But no scheme of defense could answer much purpose so long as the French held Fort Du Quesne. The defense of the fron-

July 9. tiers thus provided for, Loudoun sailed from New York with six thousand regulars, including late re-enforcements from England. At Halifax he was joined by an English fleet of eleven sail of the line, under Admiral Holborne, with six thousand additional soldiers on board. But Louisburg was discovered to have a larger garrison than had been supposed; and while Loudoun lingered with characteristic indecision, seventeen French ships of the line anchored in the harbor, and made attack wholly out of the question. Loudoun then re-embarked his forces and returned to New York.

Not only had Shirley lost his military command, the machinations of his enemies had deprived him of his government also. It was given to Thomas Pownall, whose brother was secretary to the Board of Trade. Pownall had first come to America with the unfortunate Sir Dan-

vers Osborne. Holding a commission as lieutenant gov- CHAPTER XXVI.
ernor of New Jersey, he had been present at the Albany
Congress, and afterward at the military convention at 1757.
Alexandria. Though he had received some favors from Shirley, he joined the party against him, and, having gone to England, had obtained there the government of Massachusetts. Pownall had hardly reached the prov- July.
ince, the administration of which for four months past had been in the hands of the council by the death of Lieutenant-governor Phipps, when an express arrived from Fort Edward with alarming news of a French invasion.

The British army drawn aside for the futile attack on Louisburg, Montcalm, with eight thousand men, including the garrisons of Crown Point and Ticonderoga, ascended Lake George, landed at its southern extremity, and laid siege to Fort William Henry. Colonel Monroe, the English officer in command, had a garrison of two thousand men. General Webb lay at Fort Edward, only fourteen miles distant, with four thousand troops. Montcalm pressed the attack with vigor. No movement was made from Fort Edward for Monroe's relief. His ammunition was exhausted; and, after a six days' siege, he found himself obliged to capitulate. Aug. 9.
The garrison were to march out with the honors of war, and were to be protected with their baggage as far as Fort Edward. Montcalm's Indian allies, dissatisfied with these terms, and greedy for plunder, attacked the retreating and disarmed troops. Monroe, with the greater part of the men, fell back to the French camp to demand protection. About six hundred fled into the woods, and the first who reached Fort Edward reported the massacre of the others. Some few were killed or never heard of; the rest came in one after another, many having lost

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their way and suffered extreme hardships. Frye, the commander of the Massachusetts forces, after wandering about some days, reached Fort Edward with no clothes but his shirt.

1757.

The fall of Fort William Henry occasioned even greater alarm than the loss of Oswego the year before. Pownall appointed Sir William Pepperell lieutenant general of Massachusetts. Orders were issued for calling out the militia, and twenty thousand men were assembled in arms. Satisfied with having caused so much terror and expense, Montcalm, without attempting any thing further, retired again to Canada.

The arrival of Pownall made a considerable change in the politics of Massachusetts. By taking Otis, of Barnstable, speaker of the House, and other opponents of Shirley, into favor, according to Hutchinson, who was presently appointed lieutenant governor, he disgusted the old friends of government, and greatly weakened the government party. Otis was promised a seat on the bench of the Supreme Court; his son, a young lawyer of shining abilities, was appointed advocate of the Admiralty. Though Pownall's habits were rather freer than suited the New England standard, these concessions to the opposition, his frank manners, and liberal political views, served to make him very popular.

Aug. 31. On the death of the aged Belcher, Pownall went to New Jersey to assume authority as lieutenant governor. But he found it impracticable to govern both provinces at the same time. The government of New Jersey, after remaining for some months in the hands of the president and council, was transferred to Francis Bernard, a practitioner in the English ecclesiastical courts.

The Massachusetts General Court had provided barracks at the castle for such British troops as might be

sent to the province. But some officers on the recruiting service, finding the distance inconvenient, demanded to be quartered in the town. They insisted on the provisions of the Mutiny Act; but the magistrates to whom they applied denied that act to be in force in the colonies. Loudoun warmly espoused the cause of his officers; he declared "that in time of war the rules and customs of war must govern," and threatened to send troops to Boston to enforce the demand if not granted within forty-eight hours. To avoid this extremity, the General Court passed a law of their own, enacting some of the principal provisions of the Mutiny Act; and Loudon, through Pownall's persuasions, reluctantly consented to accept this partial concession. The General Court did not deny the power of Parliament to quarter troops in America. Their ground was, that the act, in its terms, did not extend to the colonies. A similar dispute occurred in South Carolina, where great difficulty was encountered in finding winter quarters for the Royal Americans.

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Nov 15.

The first royal governor of Georgia, and his secretary, William Little, having involved themselves in a violent controversy with the Assembly, Reynolds had been superseded by Henry Ellis, a protégé of the Earl of Halifax, the head of an expedition, some nine years before, for the discovery of a northwest passage. The population of Georgia now amounted to six thousand. On the breaking out of the war, Reynolds had enlisted twenty rangers, but the quarrel with the Assembly prevented any provision for paying them. After Ellis's arrival, the Assembly voted money for erecting log forts at Savannah, Augusta, Ogeechee, Midway, and New Inverness. Ellis applied himself to the preservation of a good understanding with the neighboring Creeks and the Spanish governor of Florida. The rangers were taken

Feb. 16

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into the king's pay, and Ellis obtained from Colonel Bouquet, commanding in South Carolina, a hundred provincial troops of Virginia, to be quartered in Savannah.

1757. Oct. 25. A solemn council was presently held with the Creeks, Nov. 3. and a new treaty of peace entered into with that powerful confederacy. A long dispute had been pending, in which the Creeks took a deep interest, growing out of the claims of Mary, the Indian interpreter, of whose services Oglethorpe had availed himself on his first arrival in Savannah. After the death of her first husband, she had married a second white man, and, upon his death, a third—no less a person than Thomas Bosomworth, who had first been Oglethorpe's agent for Indian affairs, but afterward had gone to England, had obtained holy orders, and returned to Georgia as the successor of the Wesleys and Whitefield. The Creeks had made a conveyance to Mary of their reservation of the islands on the coast and the tract just above Savannah. She also claimed a large amount as arrears of her salary as colonial interpreter. After a twelve years' controversy, which at times had threatened an Indian war, the mat-

1759. ter was finally settled by a compromise, securing to Mary and her husband the title to the island of St. Catharine's, and the payment of £2000 arrears out of the sales of the other reserved lands. Another thing accomplished

1758. by Ellis was the division of the colony into eight parishes, and the establishment of the Church of England by law, with a salary of £25 to each parish minister.

To the war in America, and the simultaneous contest between the English and French East India Companies on the other side of the globe, had been added a military struggle, the greatest the world had yet seen, carried on in the heart of Europe. France and Austria, forgetting their ancient rivalries, and supported by Russia and

most of the Germanic States, had united against Prussia and Hanover. The Hanoverian army had submitted to the disgraceful capitulation of Closter-Seven; that principality had been occupied by the French; and it required all the energy and military genius of Frederic of Prussia to save him from a similar fate. CHAPTER XXVI. 1757.

In America, after three campaigns, and extraordinary efforts on the part of the English, the French still held possession of almost all the territory in dispute. They had been expelled, indeed, from the Bay of Fundy; but Louisburg, commanding the entrance of the St. Lawrence, Crown Point and Ticonderoga on Lake Champlain, Frontenac and Niagara on Lake Ontario, Presque Isle on Lake Erie, and the chain of posts thence to the head of the Ohio, were still in their hands. They had expelled the English from their ancient post of Oswego, had driven them from Lake George, and had compelled the Six Nations to a treaty of neutrality. A devastating Indian war was raging along the whole northwestern frontier of the British colonies. A line from the mouth of the Kennebec, across the Merrimac and Connecticut to Fort Edward on the Hudson, and thence across the Mohawk, the Dèlaware, and the Susquehanna to Fort Frederic on the Potomac, marked the exterior limit of the settlements; but Indian scalping parties penetrated into the very center of Massachusetts, approached within a short distance of Philadelphia, and kept Maryland and Virginia in constant alarm.

CHAPTER XXVII.

PROGRESS AND CONCLUSION OF THE FOURTH INTERCOLONIAL WAR. ACCESSION OF GEORGE III. THE ENGLISH MASTERS OF THE CONTINENT NORTH OF THE GULF OF MEXICO AND EAST OF THE MISSISSIPPI. LOCAL AFFAIRS. PROGRESS OF THE COLONIES.

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1757. June.

WILLIAM PITT, afterward Earl of Chatham, took adroit advantage of the popular discontent at the ill success of the war to force himself to a chief seat in the British cabinet—a station which he owed more to his energy and eloquence than to court favor, or to the influence of family or party connections, hitherto, in England, the chief avenues to power. Leaving to Newcastle, who still acted as nominal head of the ministry, the details of the domestic administration, Pitt, as secretary of state, with the cipher Holderness as his colleague in that department, assumed to himself the control of foreign and colonial affairs, and the entire management of the war.

Determined on a vigorous campaign in America, he addressed a circular to the colonies, in which he called for twenty thousand men, and as many more as could be furnished. The crown would provide arms, ammunition, tents, and provisions; the colonies were to raise, clothe, and pay the levies; but for all these expenses Pitt promised a parliamentary reimbursement—a promise which acted like magic. Massachusetts voted seven thousand men, besides six hundred maintained for front-

1758.

ier defense. To fill up this quota, soldiers were drafted from the militia and obliged to serve. The advances of Massachusetts during the year were not less than a million of dollars. Individual Boston merchants paid taxes to the amount of $2000. The tax on real estate amounted to two thirds the income. The insolvencies occasioned by the pressure of the war gave rise to a bankrupt act, but this was disallowed in England. Connecticut voted five thousand men. New Hampshire and Rhode Island furnished each a regiment of five hundred men. The New York quota of one thousand seven hundred men was raised to two thousand six hundred and eighty. The New Jersey regiment was enlarged to a thousand. The Assembly of Pennsylvania appropriated £100,000 toward bringing two thousand seven hundred men into the field. Virginia raised two thousand men.

To co-operate with these colonial levies, whose officers, as high as colonels, were now recognized, two thousand Scotch Highlanders were enlisted. Large re-enforcements were also sent from England, made disposable by a plan which Pitt had adopted for intrusting the local defense of Great Britain to an organized and active body of militia; and by means of these various arrangements, Abercrombie, appointed commander-in-chief, found fifty thousand men at his disposal—of whom, including the Royal Americans, twenty-two thousand were regulars.

The total number of the inhabitants of Canada able to bear arms did not exceed twenty thousand; and these had been so constantly called off for military service, that cultivation had been neglected, and Canada was suffering almost a famine. The regular troops were only from four to five thousand; nor could France furnish any further aid.

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Shirley's schemes of conquest were now renewed. Louisburg, Ticonderoga, and Fort Du Quesne were all to be struck at once. The first blow fell on Louisburg.

June 8. Boscawen appeared before that fortress with thirty-eight ships of war, convoying from Halifax an army of fourteen thousand men, chiefly regulars, under General Amherst, but including, also, a strong detachment of New England troops. Louisburg was held by a garrison of three thousand men; eleven ships of war lay in the harbor. But the works were too much out of repair to withstand the operations of a regular siege; and the garrison, after suffering severe loss, found themselves

July 27. obliged to capitulate. This capitulation included not Louisburg only, but the islands of Cape Breton, St. John's (now Prince Edward's), and their dependencies. The garrison became prisoners of war; the inhabitants, many of them refugees from Acadie, were shipped to France. Such was the end of the French attempts at colonization in the Gulf of St. Lawrence, which now passed into exclusive English occupation. Amherst sailed with his army for Boston, and thence marched to the western frontier.

While the siege of Louisburg was going on, Abercrombie, with sixteen thousand men, embarked at Fort William Henry in flat boats prepared for the purpose, and,

July 6. passing down Lake George, landed near its outlet. The van, advancing in some confusion through the woods, encountered a French scouting party which had also lost its way, and a skirmish ensued, in which fell Lord Howe, a young officer who had made himself very popular with the provincials, and to whose memory Massachusetts erected a monument in Westminster Abbey.

Ticonderoga was held by some two thousand French soldiers. As re-enforcements were said to be approach-

ing, Abercrombie, without waiting for his artillery, rash- CHAPTER XXVII.
ly ordered an assault. The rear and sides of the fort were covered by water, and the front by a morass. The storming party were ordered to rush swiftly through the enemy's fire, reserving their own till they had passed the breastwork. But that breastwork was nine feet high, much stronger than was expected, and guarded, in addition, by trees felled, with their branches sharpened, and pointing outward like so many lances against the assailants. After a four hours' struggle, and the loss in killed and wounded of two thousand men, Abercrombie abandoned the attack, and the next day made a precipitate and disorderly retreat to Fort William Henry. Among the wounded was Charles Lee, then a captain in the British service, afterward first major general of the revolutionary army. In consequence of this defeat, Abercrombie was superseded, and the command-in-chief given to Amherst.

1758. July 8.

Though no further attempt was made on Ticonderoga, Abercrombie's forces were not wholly idle. With a detachment of three thousand men, chiefly provincials of New York and New England, Bradstreet marched to Oswego, embarked there in vessels already provided, and, having ascended the lake, landed at Fort Frontenac. That place was untenable. The feeble garrison, taken entirely by surprise, speedily surrendered. Nine armed vessels were captured; and the fort, with a large store of provisions, was destroyed. Bradstreet's loss by the enemy was inconsiderable; but not less than five hundred men perished by sickness. These troops, on their return, assisted in building *Fort Stanwix*, intermediate between Oswego and Albany, on the site now occupied by the flourishing village of Rome. Among the officers under Bradstreet were Woodhull, who fell nineteen years

Aug. 25

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afterward on Long Island, and Van Schaick, afterward a colonel in the New York revolutionary line.

1758. The expedition against Fort Du Quesne had been committed to General Forbes, with an army of seven thousand men, Highlanders, Pennsylvania and Virginia levies, the Royal Americans recalled from South Carolina, and an auxiliary force of Cherokee Indians. The Virginia troops concentrated at Cumberland; those of Pennsylvania at Raystown, now *Bedford*, at the head of the Juniata. Washington advised to march from Cumberland along the road cut by Braddock's army; but Bouquet was of a different opinion, and, under his advice, Forbes ordered a new road to be opened from Raystown. With an advanced division of two thousand five hundred men, Bouquet presently reached Loyal Hanna, on the waters of the Kiskiminitas, where soon after was built *Fort Ligonier*. Eight hundred men, sent forward under Major Grant, approached close to Fort Du Quesne,

Sept. 15. but were driven back with very heavy loss, Grant himself being taken prisoner. The enemy presently attack-

Oct. 12. ed Bouquet in his camp, but were repulsed by the artillery. The obstacles along the new route proved very serious; and the Virginia Assembly, in a state of discouragement, resolved to withdraw a part of their troops.

Nov. 8. Forbes at last joined Bouquet with the main body, himself borne sick in a litter; but the army, weakened by desertion and dispirited by disease, was still fifty miles from Fort Du Quesne, and separated from it by an immense forest without a road. Winter also was close at hand. A council of war advised the abandonment of the enterprise; but, before any retrograde motion was made, three prisoners, accidentally taken, re-

Nov. 12. vealed the feebleness of the enemy. The blow struck by Bradstreet at Fort Frontenac had been felt on the Ohio

in the failure of expected supplies, and the French, in consequence, had been deserted by the greater part of their Indian allies. Inspired with fresh ardor, and leaving baggage and artillery behind, the troops, in spite of obstacles, pushed forward, at a rate, however, of less than ten miles a day. The day before they reached the fort, the French garrison, reduced to less than five hundred men, set fire to the works, and retired down the river. Hugh Mercer, with a Virginia detachment, was left to hold this important post, for the possession of which the war had commenced, and which was now named *Fort Pitt* by the captors. The rest of the army hastened to return before the setting in of winter. Fruits of this conquest were speedily realized in the inclination of the neighboring Indians for peace. Virginia and Maryland were now relieved from Indian incursions. Already a treaty had been held at Easton with the Six Nations and their dependent tribes, the Delawares and others, by which peace was once more restored to the frontiers of Pennsylvania, the proprietaries relinquishing all claim to the country west of the main Allegany chain.

CHAPTER XXVII. 1758. Nov. 24.

Only the Eastern Indians still remained hostile. To hold them in check, and to cut off their communication with Canada, *Fort Pownall* was presently built on the Penobscot, the first permanent English occupation of that region.

The perseverance of the Pennsylvania Assembly triumphed at last. Tired of struggling on unpaid—for they resolutely refused to vote him any salary unless he would come to their terms—Governor Denny consented to a tax act in which the proprietary estates were included. The Assembly had indemnified him against the forfeiture of the bond by which he had bound himself to obey his instructions, and they rewarded this

CHAPTER XXVII.

and other compliances by liberal grants of salary. But this violation of his instructions very soon cost Denny his office.

1759.

Seconded by an eager Parliament, Pitt resolved to follow up the successes of the late campaign by an attack on Canada—an intention communicated under an oath of secrecy to the colonial Assemblies. Stimulated by the prompt reimbursement of their last year's expenses to the amount of near a million of dollars, the Assemblies acted with promptitude and energy. With the opening of the spring twenty thousand colonial soldiers were again in the field, and to enable the commissariat department, which found it difficult to sell bills on the British treasury, to provide provisions for the troops, the Assemblies of New York and Pennsylvania advanced a large sum in paper money.

The plan now adopted for the conquest of Canada was not materially different from that which Phipps and Warren had successively failed to execute. Amherst advanced by way of Lake Champlain with twelve thousand regulars and provincials; Wolfe, a young general who had distinguished himself at the siege of Louisburg, having sailed early in the spring from England, escorted

June. by a powerful fleet, made his appearance in the St. Lawrence with an army of eight thousand regular troops in three brigades, commanded by Moncton, Townshend, and Murray. The danger of Quebec caused the withdrawal of the garrisons of Ticonderoga and Crown Point, and

July. both those places soon, without any serious struggle, passed into Amherst's hands.

According to the scheme of operations, Amherst should have proceeded down Lake Champlain to join Wolfe before Quebec, or, at least, to effect a diversion by attacking Montreal; but the want of vessels rendered this move-

ment impossible. With Amherst was a body of New Hampshire Rangers, under Major Rogers, distinguished as a partisan officer, in whose corps served as captain John Stark, a brigadier afterward in the revolutionary army. Two hundred of these rangers were detached from Crown Point against the Indian village of St. Francis, whose inhabitants had long been the terror of the New England frontier. Enriched by plunder and the ransom of their captives, these Indians had a handsome Catholic chapel, with plate and ornaments. Their village was adorned by numerous scalps, trophies of victory, stretched on hoops, and elevated on poles. The rangers accomplished their march through the woods, and took the village entirely by surprise. A large part of the warriors were slain; the village—as had happened so often in New England—was first plundered, and then burned. Their object thus accomplished, fearing lest their trail from Crown Point might be watched, the victors attempted to return by way of Lake Memphremagog and the Connecticut. But their provisions fell short; some perished for want of food; some were killed by the pursuing Indians. The greater part, however, reached, at last, the uppermost settlements on the Connecticut, just below Bellows Falls, and thence made good their retreat to Crown Point.

CHAPTER XXVII. 1759. Sept. Oct

In pursuance of the original plan of campaign, a third army, composed principally of provincials, and commanded by General Prideaux, had been collected at Oswego for an attack on Niagara. Notwithstanding the late treaty of neutrality, the influence of Sir William Johnson had induced a large body of warriors of the Six Nations to join this army. After a prosperous voyage from Oswego, Prideaux landed at Niagara and opened his batteries, but was soon killed by the bursting of a gun,

July 7

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1759.

when Johnson succeeded to the chief command. Twelve hundred French regulars, drawn from the western posts, and followed by an equal force of Indian auxiliaries, designed to raise the siege. Aware of their approach, Johnson took an advantageous position in advance of the fort. The relieving force was totally routed, and a large part taken prisoners. The fort surrendered the next day, and six hundred men with it. According to the plan of operations, Johnson should have descended Lake Ontario to co-operate on the St. Lawrence with Amherst and Wolfe; but the want of proper shipping, the small supply of provisions, and the incumbrance of the French prisoners, prevented him from doing so.

July 23.

Deprived thus of all co-operation, Wolfe was left to besiege Quebec alone. Occupying a point of land on the north shore of the St. Lawrence, protected on the south by that river, and on the north by the tributary stream of the St. Charles, Quebec consisted then, as now, of an upper and a lower town, both regularly fortified. The lower town was built on a narrow beach at the water's edge, above which rose the Heights of Abraham, an almost perpendicular range of lofty rocks, forming the river banks. On the level of these heights stretched a wide plain, on which the upper town was built. Overhanging the St. Lawrence, and extending for a great distance above the town, the heights seemed to afford on that side an almost impregnable defense. Several floating batteries and armed vessels were moored in the St. Charles, and beyond it, in a camp strongly intrenched, and covered by the Montmorency, another and larger river, which enters the St. Lawrence a short distance below Quebec, lay Montcalm's army, almost equal in numbers to that of Wolfe, but composed largely of Canadians and Indians. Every exertion had been made for

the defense of the city; but, from causes already mentioned, the supply of provisions was very limited. CHAPTER XXVII.

Wolfe had landed on the fertile island of Orleans, just below the town. His naval superiority gave him full command of the river. After a slight skirmish, he gained possession of Point Levi, held by a body of French troops, on the south bank of the St. Lawrence, opposite Quebec, where he erected batteries, which set fire to and destroyed the Cathedral and many houses; but the distance was too great for any effect on the fortifications. Wolfe then landed on the opposite bank below the town, intending to force the passage of the Montmorency, and to bring Montcalm to an action. The French were very strongly posted, and the impetuosity of Wolfe's advanced party, which rushed to the attack before support was ready, obliged him to retire with a loss of five hundred men. 1769. June 27. July 8. July 31

An attempt was then made to destroy the French shipping, and to alarm and draw out the garrison by descents above the town. One valuable magazine was destroyed; a great many houses were burned; much plunder was made; but it was impossible to cut out the French ships: and, to guard against future attacks, Montcalm sent De Bougainville up the river with fifteen hundred men.

The prospect was very discouraging. The season for action was fast passing. Nothing had been heard of the forces designed to co-operate from the side of New York except reports from the enemy of the retreat of Amherst. Though suffering from severe illness, instead of despairing, Wolfe embraced the bold proposal of his principal officers to scale the Heights of Abraham, and thus to approach the city on the side where its defenses were feeblest. Above Quebec there was a narrow beach sufficient to afford a practicable landing place; but it might

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easily be missed in the dark; and the heights rose so steep above it, that even by daylight and unopposed, the
1759. ascent was matter of hazard and difficulty. Should the French be on their guard, repulse was inevitable.

Sept. 12. The army, placed on ship-board, moved up the river several miles beyond the proposed landing-place. To distract attention and conceal the real design, a show was made of disembarking at several points. When night had set in, flat-bottomed boats, with the soldiers on board, fell down the river with the tide, and, carefully avoiding the French sentinels, succeeded in finding the beach. The light troops were led by Colonel Howe, afterward Sir William, and commander-in-chief of the British armies in America. Assisted by the rugged projections of the rocks and the branches of trees, they made their way up the heights, and, having dispersed a small force stationed there, covered the ascent of the main
Sept. 13. body. Early in the morning, the whole British army appeared drawn up on the Plains of Abraham. To meet this unexpected movement, Montcalm put his troops in motion. Nothing now but a victory could prevent a siege and save the city. He advanced, accordingly, in order of battle. Bodies of Indians and Canadians in his front kept up an irregular but galling fire. Wolfe gave orders to disregard these skirmishers, and to wait the approach of the main body. The French had arrived within forty yards of the English, when their advance was checked by a heavy fire of musketry and grape. Eight or ten six-pounders, dragged up the heights by the seamen, were brought into line after the action began. The French appear to have had but two small field-pieces. The battle raged fiercest on the right of the English and the left of the French, where the two generals were respectively stationed opposite each other

Though already twice wounded, Wolfe gave orders for the charge. He fell, wounded a third time, and mortally; but the grenadiers still advanced. The French, close pressed by the English bayonets and the broadswords of the Scotch Highland regiments, began to give way. To complete their confusion, Montcalm fell with a mortal wound. The whole French line was soon in disorder. Five hundred Frenchmen were killed; a thousand, including the wounded, were taken prisoners. The English loss amounted to six hundred killed and wounded. A part of the dispersed army escaped into the town, but the bulk of the fugitives retired across the St. Charles. Hardly was the battle over when De Bougainville made his appearance, marching hastily down the river. An hour or two sooner, and he might have changed the fortune of the day. As it was, after collecting the fugitives from behind the St. Charles, he retired again up the St. Lawrence. CHAPTER XXVII. 1759

Preparations for besieging the city were commenced by Townshend, whom Wolfe's death and Moncton's severe wound had made commander-in-chief, but through lack of provisions it surrendered on capitulation five days after the battle—the regulars to be sent to France, the inhabitants to be guaranteed their property and religion. General Murray, with five thousand men, was left in garrison. The fleet, with the sick and the French prisoners, hastened to anticipate the approaching frost by retiring to Halifax, where the ships were to winter. Sept. 18

The Cherokees, who had accompanied Forbes in his expedition against Fort Du Quesne, returning home along the mountains, had involved themselves in quarrels with the back settlers of Virginia and the Carolinas, in which several, both Indians and white men, had been

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killed. Some chiefs, who had proceeded to Charleston to arrange this dispute, were received by Governor Littleton in very haughty style, and he presently marched into the Cherokee country at the head of fifteen hundred men, contributed by Virginia and the Carolinas, demanding the surrender of the murderers of the English. He was soon glad, however, of any apology for retiring. His troops proved very insubordinate; the small-pox broke out among them; and, having accepted twenty-two Indian hostages as security for peace and the future delivery of the murderers, he broke up his camp, and fell back in haste and confusion.

1759. Oct.

1760. Jan.

The hostages, including several principal chiefs and warriors, were placed for safe keeping in Fort Prince George, at the head of the Savannah. No sooner was Littleton's army gone, than the Cherokees attempted to entrap into their power the commander of that post, and, apprehensive of some plan for the rescue of the hostages, he gave orders to put them in irons. They resisted; and a soldier having been wounded in the struggle, his infuriated companions fell upon the prisoners and put them all to death. Indignant at this outrage, the Cherokees beleaguered the fort, and sent out war parties in every direction to attack the frontiers. The Assembly of South Carolina, in great alarm, voted a thousand men, and offered a premium of £25 for every Indian scalp. North Carolina offered a similar premium, and authorized, in addition, the holding of Indian captives as slaves. An express, asking assistance, was sent to General Amherst, who detached twelve hundred men, under Colonel Montgomery, Highlanders and Royal Americans, to be stationed on the western frontier, with orders to make a dash at the Cherokees, but to return in season for the next campaign against Canada.

Promoted to the government of Jamaica, Littleton had resigned the administration of South Carolina to William Bull, the lieutenant governor, a native of the province, whose father, of the same name, had formerly administered the government as president of the council. Bull, a man of talents and character, had received at Leyden a medical degree—the first, or one of the first, ever obtained by a native Anglo-American. With some short intervals, during which Thomas Boone, Lord Charles Montague, and Lord William Campbell acted as governors, he continued, as lieutenant governor, at the head of affairs till South Carolina ceased to be a British province. CHAPTER XXVII 1760.

Joining his forces with the provincial levies, Montgomery entered the Cherokee country, raised the blockade of Fort Prince George, and ravaged the neighboring district. Marching then upon Etchoe, the chief village of the Middle Cherokees, within five miles of that place he encountered a large body of Indians, strongly posted in a difficult defile, from which they were only driven after a very severe struggle; or, according to other accounts, Montgomery was himself repulsed. At all events, he retired to Charleston, and, in obedience to his orders, prepared to embark for service at the north. When this determination became known, the province was thrown into the utmost consternation. The Assembly declared themselves unable to raise men to protect the frontiers; and a detachment of four hundred regulars was presently conceded to Bull's earnest solicitations. June 27.

During the pressure of the war with the Western Indians, as one means of raising supplies, the Assembly of Virginia, by two or three successive acts, had carried the five per cent. standing duty on imported slaves as high as twenty per cent. This duty having "been found

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very burdensome to the fair purchaser, a great disadvantage to the settlement and improvement of the lands in the colony, introductive of many frauds, and not to answer the end thereby intended, inasmuch as the same prevents the importation of slaves, and thereby lessens the fund arising from the duty," it was now reduced to ten per cent.—a positive and distinct legislative assertion, notwithstanding what Jefferson has represented to the contrary, that the Virginia duty on slaves was imposed for revenue only. An attempt was made at the next session to reinstate the former duty. It was zealously urged by Richard Henry Lee, a young member ardent for liberty, and, after a hot debate, it was carried by one vote, but was defeated by the governor's veto

1760. 1760. May. 1761.

The proprietaries of Pennsylvania, disgusted at Denny's faithlessness, had prevailed upon Hamilton to accept again the office of deputy governor. Bound by Denny's consent, though given against their instruction —such was the constitutional doctrine established in Pennsylvania—the Penns petitioned for the royal veto on seventeen acts which he had passed, including the tax act above referred to. Franklin, as agent for the Assembly on the one hand, and the proprietaries on the other, were heard by their counsel before the Board of Trade. In giving their decision, the Lords of Trade commented in very severe terms on the evident collusion between the Assembly and Denny, evinced by a grant to the governor of a distinct sum of money for consenting to each of the obnoxious acts. Of those acts six were disallowed; but, on the great point of the right to tax the proprietary estates, the Assembly triumphed. The Board of Trade required, indeed, certain modifications of the act, to which Franklin readily assented on behalf of the province. The Assembly gave him a vote

June.

of thanks; but they hesitated in fulfilling the agreement he had made; nor was it long before the dispute with the proprietaries broke out with more violence than ever. CHAPTER XXVII. 1760.

After the fall of Quebec, Vaudreuil, the governor general of Canada, had concentrated all his forces at Montreal, and, during the winter, had made every possible preparation for attempting the recovery of the capital before the garrison could be relieved. As soon as the melting of the ice would permit, M. De Levi advanced for that purpose with ten thousand men. The English garrison had suffered during the winter for want of fresh provisions. A thousand soldiers had died of the scurvy. Murray could hardly muster three thousand men fit for duty. Anxious, however, to avoid a siege, and trusting to his superior discipline, he marched out, and gave battle at Sillery. He was beaten, however, April 26. with the loss of all his artillery and a thousand men, was driven back to Quebec, and besieged there. Some ships, dispatched from England very early in the season, presently arrived with supplies, anticipating not only the May 9 French fleet, but the English squadron also which had wintered at Halifax. Alarmed at their appearance, and supposing that the whole English fleet had arrived, M. De Levi gave over the siege, and retired precipitately to May 10. Montreal. Against this last stronghold of the enemy all efforts were now directed.

Anxious to complete the conquest of Canada, the northern colonies zealously contributed men and money. Three armies were soon in motion. Amherst, at the head of ten thousand men, besides a thousand Indians of the Six Nations led by Johnson, embarked at Oswego, and sailed down the lake and the St. Lawrence to Montreal, where he was met by Murray with four thousand Sept. 5. men from Quebec. Haviland arrived the next day, with

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a third army of three thousand five hundred men, by way of Lake Champlain. The force thus assembled was
1760. quite overwhelming. Resistance was not to be thought of. The French governor signed a capitulation, by which he gave up not only Montreal, but Presque Isle, Detroit, Mackinaw, and all the other posts of Western Canada. The regular troops, about four thousand men, were to be sent to France. The Canadians were guaranteed their property and worship. The French officers in Canada, in the course of the war, had been guilty of immense peculations. There was outstanding, in unpaid bills on France, and in card or paper money, more than twenty millions of dollars, a large portion of it, as the French court contended, fraudulently issued. But a very small indemnity was ever obtained by the holders of this paper, the payment of which was suspended immediately after the capture of Quebec.

July 30. By the sudden death of Delancey, the administration of New York had devolved on the aged Cadwallader Colden, who was presently appointed lieutenant governor. Pratt, a Boston lawyer, was about the same time, through Pownall's influence, appointed chief justice of the province. But the limitation of his tenure of office to the pleasure of the crown was considered inconsistent with the independence of the judiciary, and Colden, among others, though very jealous of legal influence, warmly remonstrated against it. Nowhere was the general joy of the colonies at the conquest of Canada more enthusiastically felt than in New York, of which the northern and western limits had so long been in dispute with the French. New York had indeed, in those directions, no definite boundary, though the Assembly had been accustomed to claim, by virtue of alleged cessions from the Six Nations, as far north as the outlet of Lake Cham-

plain, and the whole peninsula between Lakes Ontario and Huron—pretensions extended, indeed, even to the peninsula of Michigan. CHAPTER XXVII. 1760.

Great, too, was the exultation in New England, whose eastern and northern frontiers were now finally delivered from that scourge of Indian warfare by which they had been visited six times within the preceding eighty-five years. The Indians themselves, by these successive contests, had been almost annihilated. Most of the hostile tribes had emigrated to Canada, or else were extinct. There remained only a small band of Penobscots, on whom was bestowed a limited reservation, possessed to this day by their degenerate descendants.

While the northern colonies exulted in safety, the Cherokee war still kept the frontiers of Carolina in alarm. Left to themselves by the withdrawal of Montgomery, the Upper Cherokees had beleaguered Fort Loudoun. After living for some time on horse-flesh, the garrison, under a promise of safe-conduct to the settlements, had been induced to surrender. But this promise was broken; Aug. 7. attacked on the way, a part were killed, and the rest detained as prisoners; after which, the Indians directed all their fury against the frontiers.

On a new application presently made to Amherst for assistance, the Highland regiment, now commanded by Grant, was ordered back to Carolina. New levies were 1761. also made in the province, and Grant, thus re-enforced, presently marched into the Cherokee country with two thousand six hundred men. In a second battle, near the June 10 same spot with the fight of the previous year, the Indians were driven back with loss. Etchoe, with the other villages of the Middle Cherokees, was plundered and burned, and all the growing corn destroyed. The Indians took refuge in the defiles of the mountains, and,

CHAPTER XXVII. subdued and humbled, sued for peace. They were required, as a condition of it, to deliver up four warriors to
1761. be shot at the head of the army, or to furnish four green Indian scalps within twenty days. An appeal to Governor Bull, by a chief long known for his attachment to the English, procured the recall of this brutal demand; and peace was made without any further effusion of blood, but not without violent quarrels between Grant and the colonial officers—of whom Middleton, Moultrie, Gadsden, and Marion were subsequently distinguished—Middleton even going so far as to challenge and fight Grant

1760. Having obtained an appointment as governor of South Carolina, on which, however, he never entered, after a very popular administration, Pownall had been succeed-
Aug. 4. ed as governor of Massachusetts by Francis Bernard, late governor of New Jersey, where Thomas Boone, and, on his speedy removal to South Carolina, Josiah Hardy, supplied his place.

The British merchants loudly complained of a trade carried on by the northern colonies not only with the neutral ports of St. Thomas and Eustatius, but directly with the French islands, under flags of truce granted by the colonial governors nominally for an exchange of prisoners, but intended, in fact, as mere covers for a commerce, whereby the French fleets, garrisons, and islands in the West Indies were supplied with provisions and other necessaries. Pitt had issued strict orders to put a stop to this trade; but it was too profitable to be easily suppressed. The colonists indeed maintained that it was policy to make as much money out of the enemy as possible, and they cited the example of the Dutch, who had fought the Spaniards and traded with them at the same time.

Bernard, a great stickler for the authority of the mother country, found an able coadjutor in Thomas

Hutchinson, late speaker of the House of Representatives, and now a counselor, whose zeal for the crown and appetite for emolument had been rewarded by the office of judge of probate for Suffolk county, and, on Phipps's death, by the post of lieutenant governor, to which was now added the place of chief justice, much to the disappointment of Otis, Hutchinson's successor as speaker, to whom Pownall had promised a seat on the bench. The strict enforcement of the acts of trade attempted by Bernard had provoked a strenuous opposition, and the custom-house officers had applied to the Superior Court to grant them writs of assistance, according to the English exchequer practice—warrants, that is, to search, when and where they pleased, for smuggled goods, and to call on the by-standers to assist them. To oppose the issue of these writs, the merchants retained Oxenbridge Thacher and James Otis. Thacher was a leading practitioner in Boston. Otis, son of the speaker, a young lawyer of brilliant talents and ardent temperament, was advocate of the Admiralty, and in that capacity bound to argue for the issue of the writs. But he resigned his office, and accepted the retainer of the merchants. Not content with Thacher's merely legal and technical objections, Otis took high ground as to the rights of the colonies. He assailed the acts of trade as oppressive in some instances and unconstitutional in others, and by his vehement eloquence gave a tone to public sentiment not without serious influence on subsequent events. The writs were granted, but they were so excessively unpopular as to be seldom used. Elected a representative from Boston, Otis became a leading member of the House, and a warm opponent of Hutchinson, whom he endeavored to exclude from the council by a bill declaring the places of chief justice and counselor

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incompatible with each other. But Hutchinson's influence was considerable, enough to defeat this bill. Another, which passed, requiring the oath of a custom-house officer to justify the issue of a writ of assistance, was rejected by the governor.

1761.

1760. The accession of the young king, George III., though
Oct. 25. it introduced some new members into the cabinet, had made no immediate change of policy. Canada conquered, the British arms had been turned against the French islands in the West Indies. Guadaloupe had been already
1761. captured. General Moncton, after producing to the
Nov. 15. council of New York his commission as governor, sailed from that port with two line-of-battle ships, a hundred transports, and twelve thousand regular and colonial
1762. troops. Gates went with him as aid-de-camp, and car-
Feb. ried to England the news of the capture of Martinique Montgomery, afterward, as well as Gates, a general of the revolutionary army, held in this expedition the rank of captain. The colonial troops were led by General Lyman. The successes of Moncton were not limited to Martinique. Grenada, St. Lucia, and St. Vincent's—every island, in fact, which the French possessed in the Caribbee group, fell into the hands of the British.

The French fleet was ruined. French merchantmen were driven from the seas. British vessels, including many from New York and New England, acquired the carrying trade, not of the conquered islands only, but, under safe-conducts and flags of truce, of the larger and more wealthy colony of St. Domingo. This lucrative commerce, with the profits of privateering and of supplying provisions for the British fleets and armies, made the war very popular in America, and Pitt an idol; but that "great commoner," as he delighted to be called, had ceased to be minister.

Charles III., on whom the crown of Spain had lately devolved, had never forgotten nor forgiven a threat of bombardment by a British admiral, to which, at a former period, when King of Naples, he had been obliged to yield. As King of Spain, he had signed with France a treaty known as the Family Compact, amounting substantially to an alliance offensive and defensive. Pitt had secret information of this treaty, and wished at once to declare war against Spain. But Pitt was an object of jealousy and dislike to the young king, desirous to secure for himself a more active participation in affairs than had been enjoyed by his two predecessors. The ministry split on this point, Pitt retired from office, and the king hastened to raise to the head of the administration the Marquis of Bute, his late preceptor. Yet scarcely had Pitt left the ministry, when hostilities commenced on the part of Spain—a step which cost that declining monarchy dear. The Spanish colonial commerce was cut off by British cruisers, and presently Havana, the key of the Gulf of Mexico, was taken by a British armament.

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1762.

1761. Aug. 15

Oct.

Dec.

1762. Aug. 12

The present contest for territorial and commercial supremacy had extended even to the East Indies, thus, as it were, encircling the globe. A twenty years' struggle in Hindostan, between the French and English East India Companies, had ended in the complete triumph of the English, securing to them the dominion of the Carnatic and Bengal—the beginning of that career of territorial aggrandizement in India since so remarkably carried out.

With finances almost ruined, powerless to struggle any longer against such a succession of losses, the French court was obliged to abandon the contest, and with it all claim to territorial possessions on the North American continent. The island and city of New Orleans, with

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all of Louisiana west of the Mississippi, were ceded to Spain, in consideration of her losses in the war. Louisiana, thus given to the Spaniards, contained about ten thousand inhabitants. The transfer was very disagreeable to them, and six years elapsed before the Spanish actually took possession.

1762.

Nov. 3. By the treaty of Fontainebleau, all the vast region east of the Mississippi, the island of New Orleans excepted, was yielded up to the British. Spain also ceded Florida in exchange for the Havana. Thus was vested in the British crown, so far as the consent of rival European claimants could give it, the sovereignty of the whole eastern half of North America, from the Gulf of Mexico to Hudson's Bay and the Polar Ocean, including hundreds of thousands of square miles upon which the foot of the white man had never yet trod. By the terms of the treaty, the navigation of the Mississippi, from its source to its mouth, was to be free to both parties, without liability to stoppage, search, or duty.

Martinique, Guadaloupe, and St. Lucie, islands of the Caribbee group, which some politicians wished Great Britain to retain instead of Canada, were restored to France; also her former rights in the Newfoundland fishery. Besides Canada and its appurtenances, Great Britain received also St. Vincent's, Dominica, and Tobago, islands hitherto called neutral, and the two former still possessed by the native Indian inhabitants—the French and English not having hitherto been able to agree which should be allowed to take possession of them. These

1763. islands were erected, by proclamation, into the govern-

Oct. 7. ment of Grenada.

The same proclamation erected on the continent the three new British provinces of East Florida, West Florida, and Quebec. East Florida was bounded on the

north by the St. Mary's, the intervening region thence to the Altamaha being annexed to Georgia. The boundaries of West Florida were the Appalachicola, the Gulf of Mexico, the Mississippi, Lakes Pontchartrain and Maurepas; and on the north, the thirty-first degree of north latitude, for which, however, was substituted, the next year, a line due east from the mouth of the Yazoo, so as to include the French settlements about Natchez. The boundary assigned to the province of Quebec corresponded with the claims of New York and Massachusetts, being a line from the southern end of Lake Nepissing, striking the St. Lawrence at the forty-fifth degree of north latitude, and following that parallel across the foot of Lake Champlain to the sources of the Connecticut, and thence along the highlands which separate the waters flowing into the St. Lawrence from those which fall into the sea.

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By the same proclamation, grants of land were authorized to the reduced officers and discharged soldiers who had served during the war—five thousand acres each to field officers, three thousand to captains, two thousand to subaltern and staff officers, two hundred to non-commissioned officers, and fifty to privates. To prevent the mischiefs and disputes which had grown out of the purchase of Indian lands by private individuals, all such purchases within the crown colonies were in future to be made only by public treaty, and for the use of the crown; nor, except in Quebec and West Florida, were any lands to be taken up beyond the heads of the rivers flowing into the Atlantic. These provisions were designed to restrain the backwoodsmen, and to prevent Indian hostilities; but already, before the proclamation had been issued, a new and alarming Indian war had broken out.

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Since the capture of Fort Du Quesne, settlers from Pennsylvania, Maryland, and Virginia had poured over
1763. the mountains, very little scrupulous in their conduct toward the Indians, who began to see and to feel the danger of being soon driven to new migrations. Perhaps, too, their prejudices were inflamed—so at least the colonists thought—by the arts of French fur traders, who dreaded the competition of English rivals. The Delawares and the Shawanese, who had lately migrated from Pennsylvania, and who now occupied the banks of the Muskingum, Scioto, and Miami, seem to have taken the lead in a widespread confederacy, of which Pontiac, an Ottawa chief, is represented to have been the moving spirit. It included not only the tribes lately the allies of the French, but the Senecas also, the most western clan of the Six Nations. The other five clans, though not without much difficulty, were kept quiet by Sir William Johnson.

May. A simultaneous attack was unexpectedly made along the whole frontier of Pennsylvania and Virginia. The English traders scattered through the region beyond the mountains were plundered and slain. The posts between the Ohio and Lake Erie were surprised and taken—indeed, all the posts in the western country, except Niagara, Detroit, Fort Pitt, and Ligonier. The three latter
July. were closely blockaded; and the troops which Amherst
Aug. hastily sent forward to relieve them did not reach their
Sept. destination without some very hard fighting.

This sudden onslaught, falling heaviest on Pennsylvania, excited the ferocity of the back settlers, chiefly Presbyterians of Scotch and Irish descent, having very little in common with the mild spirit of the Quakers Well versed in the Old Testament, the same notion had obtained among them current in the early times of New

England and Virginia, that as the Israelites exterminated the Canaanites, so they ought to exterminate the bloody heathen Indians, stigmatized as the children of Ham. Under this impression, and imagining them to be in correspondence with the hostile Indians, some settlers of Paxton township attacked the remnant of a friendly tribe who were living quietly under the guidance of Moravian missionaries at Conestoga, on the Susquehanna. All who fell into their hands, men, women, and children, were ruthlessly murdered. Those who escaped by being absent fled for refuge to Lancaster, and were placed for security in the work-house there. The "Paxton Boys," as they called themselves, rushed into Lancaster, broke open the doors of the work-house, and perpetrated a new massacre. It was in vain that Franklin, lately returned from Europe, denounced these murders in an eloquent and indignant pamphlet. Such was the fury of the mob, including many persons of respectable character and standing, that they even marched in arms to Philadelphia for the destruction of some other friendly Indians who had taken refuge in that city. Thus beset, these unhappy fugitives attempted to escape to New York, to put themselves under the protection of Sir William Johnson, the Indian agent; but Lieutenant-governor Colden refused to allow them to enter that province.

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1763

Dec.

1764 Jan

John Penn, son and heir-apparent of Richard Penn, one of the joint proprietors, had lately arrived in Pennsylvania to take Hamilton's place as governor. Politics still ran very high; but, in this emergency, the aid and advice of Franklin, the head of the opposition, and speaker of the Assembly, were eagerly sought. Owing to the royal veto on the late act for a volunteer militia, and the repeated refusals of the Assembly to establish a compulsive one, there was no organized military force in

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the province except a few regular troops in the barracks at Philadelphia. By Franklin's aid, a strong body of

1764. volunteers for the defense of the city was speedily enrolled. When the insurgents approached, Franklin went out to meet them; and, after a long negotiation, and agreeing to allow them to appoint two delegates to lay their grievances before the Assembly, they were persuaded to disperse without further bloodshed. So ended this most disgraceful affair. There was no power in the province adequate to punish these outrages. The Christian Indians presently re-established themselves high up the eastern branch of the Susquehanna. Five or six years after, destined yet to suffer further outrages, they migrated to the country northwest of the Ohio, and settled, with their missionaries, in three villages on the Muskingum.

General Gage, successor of Amherst as commander-in-chief of the British forces in America, had called upon the colonies for troops to assist in subduing the Indians. So extensive was the combination, that Major Loftus,

March. while attempting to ascend the Mississippi with four hundred men to take possession of the Illinois country, was attacked near the present site of Fort Adams, and obliged to give over the enterprise. New England, remote from the seat of danger, answered Gage's call scantily and reluctantly. Virginia furnished seven hundred men, and Pennsylvania one thousand. A pack of blood-hounds was sent out from England. Two expeditions were presently organized and sent into the Indian country, one under Bouquet by way of Pittsburg, the other under Bradstreet along the lakes. The Indians, finding themselves thus vigorously attacked, consented to a treaty, by which they agreed to give up all prisoners, and to relinquish all claim to lands within

gun shot of any fort, of which the British were authorized to build as many as they chose. Indians committing murders on white men were to be given up, to be tried by a jury half Indians and half colonists. CHAPTER XXVII. 1764.

An attempt, meanwhile, to enact a new militia law in Pennsylvania had brought on a new quarrel between Governor Penn and the Assembly. He claimed the appointment of the officers, and insisted upon several other provisions, to which the Assembly would not consent. To this was added a controversy as to the true interpretation of the late decision of the Board of Trade authorizing the taxation of the proprietary estates.

At the annual election the proprietary party made great efforts, and succeeded in defeating Franklin in the city of Philadelphia. The anti-proprietary party had a large majority notwithstanding; and the new Assembly sent Franklin back to England as their agent authorized to solicit the abrogation of the proprietary authority, and the establishment of a royal government. Upon this point, however, the people were by no means unanimous. The Episcopalians and the Quakers mostly took sides against the proprietaries. Besides Franklin, that party had another able leader in Joseph Galloway, an eminent lawyer, their chief speaker in the Assembly. The Presbyterians, of Scotch and Irish origin, were opposed to a change, which might result, they feared, in giving an ascendency to the Church of England. The patronage of the proprietaries attached many to their interest; nor was the memory of William Penn altogether without weight in their favor. In the Assembly they had an able advocate in John Dickinson, a lawyer of Philadelphia, a man of very large property, destined soon to figure on a broader stage. Chief-justice Allen gave them also able support. The Germans, though numerous, May. Oct.

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had as yet but little weight in the politics of the province, with which they did not much trouble themselves.

1764. In the course of the late war, the circulating quantity of colonial bills of credit had greatly increased. The English merchants, who complained loudly of their losses by depreciation, had just obtained an act of Parliament, by which the prohibition formerly imposed upon New England to make paper bills a legal tender was now extended to all the colonies. This restraining act was esteemed a grievance, at least in Pennsylvania; and it was a part of Franklin's instructions to solicit its repeal. His instructions on the subject of parliamentary taxation will be stated in the next chapter.

In Virginia as well as in Pennsylvania, a vigorous opposition to vested rights foreshadowed what was to come. A short crop of tobacco having suddenly enhanced the price of that staple, or, what is quite as likely, the issue of paper money in Virginia, first made that same

1755. year, having depreciated the currency, the Assembly had passed a temporary act, authorizing the payment of all tobacco debts in money at twopence per pound—the old rate, long established by usage. Three years after, under pretense of an expected failure of the crop, this tender act was renewed. Francis Fauquier, who had

1758. just succeeded Dinwiddie as lieutenant governor, a man of more complying temper than his predecessor, readily consented to it. The salaries of the parish ministers, some sixty-five in number, were payable in tobacco. They were likely to be considerable losers by this tender law; and, not content with attacking it in pamphlets, they sent an agent to England, and by the aid of Sherlock, bishop of London, procured an order in council pronouncing the law void. Suits were presently brought to recover the difference between twopence per pound in

the depreciated currency and the tobacco to which by law the ministers were entitled. In defending one of these suits, the remarkable popular eloquence of Patrick Henry displayed itself for the first time. CHAPTER XXVII. 1763. Dec.

Henry was a young lawyer, unconnected with the ruling aristocracy of the province, and as yet without reputation or practice. The law was plainly against him, and his case seemed to be hopeless. He had, however, a strong support in the prevailing prejudice in favor of the tender law, and in the dissatisfaction generally felt at the king's veto upon it. Addressing the jury in a torrent of eloquence as brilliant as it was unexpected, he prevailed upon them to give him a verdict. The Assembly voted money to defend all suits which the parsons might bring; and, notwithstanding their clear legal right in the matter, they thought it best to submit without further struggle.

Chosen a member of the Assembly, Henry placed himself at once at the head of the democratic section; and in co-operation with Richard Henry Lee, and in opposition to Robinson, the speaker, and other leading members, he succeeded in defeating a scheme for a fresh issue of paper money on the loan-office plan. Robinson had particular reasons for favoring that scheme. Treasurer, by virtue of his office as speaker, of all sums voted by the Assembly, he had been accustomed to confirm his popularity by occasional loans to his friends among the burgesses, some of whom were unable to pay. The establishment of a colonial loan-office would have furnished a very convenient means for shifting off these bad debts from Robinson to the colony. This scheme having been defeated, Robinson's death the next year brought his defalcation to light. 1765

The conquest of Canada, and the total subjection of

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the Eastern Indians, had given a new impulse to the settlements of Maine, among the oldest in North America, but very seriously retarded by six successive Indian wars. Old claims under ancient grants began now to be revived, and new grants to be solicited. In addition to the single ancient county of York, the counties of *Cumberland* and *Lincoln* were erected. New settlers begun to occupy the Lower Kennebec, and to extend themselves along the coast toward the Penobscot. This migration reached even to Nova Scotia, where the exiled Acadiens were partially replaced by emigrants from New England.

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Not alone on its eastern border was New England expanding. Numerous emigrants from the older townships began to settle along both sides of the Upper Connecticut, under grants from Wentworth, governor of New Hampshire, and even to spread across the Green Mountains toward Lake Champlain, a fertile region which the march of armies, during the late war, had first opened

1763. to the knowledge of the colonists. To a proclamation

Dec. 28. of Colden, lieutenant governor of New York, claiming the whole region between Lake Champlain and the Connecticut as a part of that province, Wentworth had re-

1764. plied in a counter-proclamation. A royal order in coun-

March 13. June 20. cil, issued on Colden's application, declared the Connecticut "to be" the boundary between New York and New Hampshire. But a large part of Vermont had already been covered by Wentworth's grants, the holders of which insisted that this order was prospective only, and so did not affect the validity of their titles.

After the suppression of the Indian outbreak on the western frontier, and in spite of the royal proclamation to the contrary, immigrants from Pennsylvania, Maryland, and Virginia continued to pour over the mountains,

and to occupy the lands on the Monongahela, claimed by the Six Nations as their property. CHAPTER XXVII.

Immigration from Europe also revived, chiefly, as heretofore, to the middle and southern colonies. Alarmed at the preponderance of her slave population, and dreading the hostility of her Cherokee neighbors, the effects of which she had recently experienced, South Carolina encouraged, by the payment of bounties, the immigration of free white laborers, chiefly Irish and German, by whom the upper districts of that province were now rapidly settled. Enriched by the labor of the numerous slaves of the rice plantations, South Carolina was esteemed the wealthiest of the colonies. 1764

James Wright, lately appointed governor of Georgia, as successor to Ellis, whose health had failed, first demonstrated the agricultural value of the swamps and low lands along the rivers and coast of that province; and Georgia, of which the population was rapidly increasing, now began to emerge from long feebleness and poverty. The publication of the Georgia Gazette, the first newspaper in that colony, was commenced in 1763. 1760.

Settlers passed also into the new province of East Florida; and, in the next ten years, more was done toward developing the resources of that district than during the whole previous period of Spanish occupation. A colony of Greeks was brought from the Mediterranean, and settled at the inlet still known as New Smyrna. The results, however, as had been the case with Georgia, were by no means correspondent to the amounts expended. A body of immigrants, from the banks of the Roanoke, established themselves in West Florida, on the east side of the Mississippi, about Baton Rouge. The adjoining colony of Louisiana, which still retained its French administration, received also some immigrants

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from Canada, unwilling to live under the new jurisdiction to which that province had been transferred. All
1763. the French posts and trading-houses on the great lakes, the Mississippi, and its tributaries, except the island of New Orleans, and the little village of St. Genevieve, on the west bank of the Mississippi, in what is now the State of Missouri, had passed into the hands of the English. As a place of deposit for his merchandise, La Glede, a Frenchman, who had a monopoly of the fur trade on the Upper Mississippi and the Missouri, established, just below the junction of those rivers, the post of *St. Louis*, destined to become the capital of Upper Louisiana, and ultimately to rival New Orleans itself. To avoid passing under Spanish rule, the settlers of Louisiana petitioned, sent agents to France, even made a show of force; vain efforts, which occasioned, in the end, the execution of
1769. several, and the banishment of others of the malcontents.

While new settlements were every where making, the older districts gave plain evidence of rapid advance in wealth and civilization. This was the golden age of Virginia, Maryland, and South Carolina, whose population and productions were now increasing at a rate unknown before or since.

Norfolk and Baltimore began to assume the character of commercial towns; Philadelphia and New York, sole ports to a vast back country, were growing fast; Boston had been stationary for twenty-five years, and continued so for twenty-five years to come, chiefly owing to the fact that the trade and navigation for a long time almost engrossed by Boston, was now shared by other towns fast springing up along the sea-coast of New England. The harshness and bigotry of former times were greatly relaxed. A taste for literature, science, and social refinement began to be developed. The six colonial

colleges received an accession of students. By the efforts of Drs. Shippen and Morgan, both natives of Pennsylvania, a medical school was added to the Pennsylvania College, the first institution of the kind in America. Even the fine arts were not without native votaries. West and Copley, fathers of American art, both born the same year, had commenced as portrait painters, the one in New York, the other in Boston; but West soon sought in London a wider field and more extended patronage. CHAPTER XXVII. 1764.

Increasing wealth and population, and the spirit of litigation every where active, especially among those of Puritan descent, had overcome the early prejudices against lawyers, and gradually, in all the colonies, the practice of the law had risen into a distinct profession. The unprofessional judges, by whom, for the most part, the colonial bench was still occupied, were no match for these educated practitioners, who had imbibed, with the learning, the pedantry also, and prejudices of the profession, and by whose influence the simpler practice of earlier times had been, in a measure, superseded by the forms of the English common law, with all its subtleties, technicalities, and "glorious uncertainty," often so utterly subversive of right. But if the rising class of lawyers regarded with undue favor technicalities, in nine cases out of ten obstacles to justice, they were far from insensible to those great principles of popular rights and universal equity embodied in the common law. To this profession many of the ablest young men in the colonies had devoted themselves. Though their number, as yet, was comparatively small, their influence was felt in the colonial Assemblies. Besides Henry, Otis, and Dickinson, other lawyers were already coming forward, destined to take a leading part in the impending struggle with the mother country.

CHAPTER XXVIII.

GRENVILLE'S SCHEME OF COLONIAL TAXATION. PASSAGE AND REPEAL OF THE STAMP ACT.

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THAT war by which the possession of North America had been confirmed to the English crown had not been carried on without great efforts and sacrifices on the part of the colonists. By disease or the sword, thirty thousand colonial soldiers had fallen in the struggle. An expense had been incurred of upward of sixteen millions of dollars, of which only about five millions had been reimbursed by Parliament. Massachusetts alone had kept from four to seven thousand men in the field, besides garrisons and recruits to the regular regiments. These men, it is true, served but a few months in the year. At the approach of winter they were generally disbanded, and for every campaign a new army had to be raised. They were fed at British cost; yet in the course of the war the expenses of Massachusetts, exclusive of all parliamentary reimbursements, had amounted to two millions and a half of dollars, all of which had been raised without resort to paper money, though not without incurring a heavy debt in addition to severe taxation. Connecticut, in the same period, expended not less than two million dollars. The outstanding debt of New York was near a million. If the expenditures of the southern colonies had been less profuse, they had far exceeded all former experience. Virginia, at the close of the war, had a debt of eight hundred thousand dollars

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The New England clergy complained that the morals of their parishioners had been corrupted by service in the armies; and more disinterested observers might be willing to admit that the reverential simplicity of rural life, however tinged by superstition, was ill exchanged for any liberality of opinions or polish of manners to be acquired in a camp. Yet the intermixture of troops from various colonies must have tended to enlarge the circle of ideas, and partially to do away with local prejudices; while co-operation in a common object had impressed upon the colonial mind the idea of union and a common interest.

The royal and proprietary governors, to obtain the necessary supplies, had been obliged to yield to perpetual encroachments. The expenditure of the great sums voted by the Assemblies had been kept, for the most part, in their own hands, or those of their specially appointed agents; and, contrary to what usually happens, executive influence had been weakened instead of strengthened by the war, or, rather, had been transferred from the governors to the colonial Assemblies.

In the prosecution of hostilities, much of the hardest and most dangerous service had fallen to the share of the colonial levies, employed especially as scouts and light troops. Though exceedingly disgusted by the superiority always assumed by the British regular officers, and allowed them by the rules of the service, the long continuance and splendid successes of the war had filled the colonies with a martial spirit, and the idea of martial force had grown familiar as a method at once expedient and glorious of settling disputed points of authority and right.

With colonies thus taught their strength and their resources, full of trained soldiers, accustomed to extraordinary efforts and partial co-operation, the British

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ministry now entered on a new struggle—one of which all like former contests were but as faint types and forerunners. It was proposed to maintain in America ten thousand regular troops as a peace establishment, nominally for the defense of the colonies; perhaps also, in fact, as a support to that superintending metropolitan authority, of which the weakness had been sensibly felt on various occasions during the war. The outbreak of the Western Indians served, however, to show that some sort of a peace establishment was really necessary.

1763. March.

Four great wars within seventy years had overwhelmed Great Britain with heavy debts and excessive taxation. Her recent conquests, so far from relieving her embarrassments, had greatly increased that debt, which amounted now to £140,000,000, near $700,000,000. Even in the midst of the late struggle, in the success of which they had so direct an interest, the military contributions of the colonial Assemblies had been sometimes reluctant and capricious, and always irregular and unequal. They might, perhaps, refuse to contribute at all toward a standing army in time of peace, of which they would naturally soon come to be jealous. It seemed necessary, therefore, by some exertion of metropolitan authority, to extract from the colonies, for this purpose, a regular and certain revenue.

At the very commencement of the late war, the Board of Trade had proposed a scheme of parliamentary taxation; but as this idea had been very badly received, the necessity of keeping the colonies good-natured had caused it to be laid aside for the moment. Peace was no sooner established than the ministry hastened to carry out the scheme thus foreshadowed; limited at first to the raising of half a million of dollars, one third the estimated expense of the proposed standing force.

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That Parliament possessed a certain authority over the colonies, in some respects supereminent, was admitted by all; but the exact limits of that authority had never been very accurately settled. As against the royal prerogative, the colonists had been eager to claim the benefits of English law; not the common law only, but all statutes, such as the Habeas Corpus Act, of a remedial and popular character. There were other statutes, however, the Mutiny Act for instance, from which they sought to escape on the ground of non-extension to America. Against the interference of Parliament in matters of trade, most of the colonies, especially those of New England, had carried on a pertinacious struggle. In spite, however, of opposition, that interference had been extended from the trade of the colonies with foreign nations and each other to many other matters but remotely connected with it. The post-office system, the transportation of mails and the rates of postage, had been regulated by metropolitan authority. Parliament had interfered with the colonial currency, establishing the standard in coin, and restricting the issue of paper notes. Joint-stock companies, with more than a certain number of partners, had been prohibited. The collection of debts had been regulated. A uniform law of naturalization had been established. Parliament had prohibited or restricted certain trades and manufactures, and had even assumed to legislate respecting the administration of oaths. All or most of these exertions of authority had been protested against at the time; but the colonists had yielded at last, and the power of regulating colonial trade for the exclusive benefit of the mother country, exercised for two or three generations, and sustained by a system of custom-house officers and Admiralty courts, had acquired, in spite of unpopularity and a systematic

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evasion still extensively practiced, the character and attributes of a legal vested right.

1763. The supereminent power of all, that of levying taxes for revenue, Parliament had never exercised. The rates of postage, of which the payment was voluntary, might be considered not so much a tax as an equivalent for services rendered. The intercolonial duties on "enumerated articles," producing little more than sufficient to pay the expenses of the custom-houses, had for their professed object, not revenue, but the regulation of trade. The trifling surplus paid into the British treasury was but a mere incident to that regulation. Yet the colonial custom-houses, though hitherto maintained with no intention of collecting taxes, might easily be adapted to that purpose; and as the colonists were already accustomed to the payment of parliamentary duties, they might not readily distinguish between duties for regulation and duties for revenue.

A part of the new scheme, as suggested to Parliament
March 9. by Charles Townshend, head of the Board of Trade, appears to have proceeded on this idea. In spite of recent vigilance in the enforcement of the acts of trade, the Molasses Act was still extensively evaded. By reducing the duties exacted under that act, now about to expire, it was proposed to diminish the temptation to smuggle; and, while seeming thus to confer a boon on the colonies, by opening to them, under moderated duties, the trade with the foreign sugar islands, by the same process to convert the Molasses Act from a mere regulation of trade into a source of revenue, to be enhanced by duties on other foreign products. Had the proposition stopped here, there might have been some chance of gradually forcing on the colonies the practice of parliamentary taxation. But the amount which could thus

be raised would not suffice; and toward making up the deficiency a stamp tax was freely spoken of—an impost in several respects much like those of the custom-house, and very like them in facility of collection. All bills, bonds, notes, leases, policies of insurance, papers used in legal proceedings, and a great many other documents, in order to be held valid in courts of law, were to be written on stamped paper, sold by public officers appointed for that purpose at prices which levied a stated tax on every such document. Newspapers were also to be stamped. Stamp duties, an invention of the Dutch, though long familiar in England, were almost unknown in America, where only one or two colonies had made some slight trial of them. Townshend's act was delayed by a prorogation; and meanwhile, against the next session, a treasury minute was signed directing the draft to be prepared of an act extending the stamp duties to the colonies. The colonial agents, or some of them, wrote to America for instructions; but the public mind was engrossed by the sudden renewal of the war on the western frontier, and these new propositions hardly attracted so much attention as might have been expected. The Assembly of Pennsylvania was content with simply stating a willingness "to aid the crown according to their ability, whenever required in the usual constitutional manner." They even proposed to forward a plan by which all the colonies might be made to contribute fairly and equitably to the public defense; but that idea they soon abandoned.

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April

1764.

May.

Bollan, so long the agent of Massachusetts, had been lately dismissed, and the place given to Jasper Manduit, whose letters, containing an account of the new proposals, were laid before the General Court at an adjourned session. There seems at this moment to have

Jan.

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been a lull in the politics of that province. The excitement growing out of the question of writs of assistance had subsided, and Hutchinson, who still sat in the council in spite of Otis's attempt to exclude him, had a principal hand in drawing up the instructions to the agent. They suggested, indeed, the right of the colonists to tax themselves, but in a very moderate tone. It was even voted to send Hutchinson as a special agent to England; but this was prevented by Governor Bernard, who thought it irregular for the lieutenant governor to be absent from the province.

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March 9. At the next session of Parliament, Grenville, the prime minister, brought forward his scheme of taxation in a more formal shape. After a debate which excited very little interest or attention, the House of Commons resolved, without a division, "that Parliament had a right to tax the colonies;" and they recommended such a stamp act as the minister had proposed.

Further action as to this stamp tax was, however, delayed, to give the colonists an opportunity for suggesting, if they chose, some more satisfactory means for raising the amount of money expected to be levied by this tax.

April 5. The other part of the ministerial scheme was at once carried out by a law known as the "Sugar Act," reducing by one half the duties imposed by the old Molasses Act on foreign sugar and molasses imported into the colonies; levying duties on coffee, pimento, French and East India goods, and wines from Madeira and the Azores, which hitherto had been free; and adding iron and lumber to the list of "enumerated articles," which could not be exported except to England. Openly avowing in its preamble the purpose of "raising a revenue for defraying the expenses of defending, protecting, and securing his majesty's dominions in America," this act

gave increased jurisdiction to the colonial Admiralty courts, and provided new and more efficient means for enforcing the collection of the revenue. CHAPTER XXVIII. 1764.

May Partial accounts of these proceedings having reached Massachusetts previous to the annual election, the town of Boston took occasion to instruct its newly-chosen representatives to use all their efforts against the pending plan of parliamentary taxation, and for the repeal of any such acts already passed. These instructions, drafted by Samuel Adams, contained the first decided protest against Grenville's scheme. Among other things, they suggested the expediency of a combination of all the colonies for the defense of their common interests.

June At the session which speedily followed, the House of Representatives resolved, "That the imposition of duties and taxes by the Parliament of Great Britain, upon a people not represented in the House of Commons, is absolutely irreconcilable with their rights." A pamphlet, lately published by Otis, "The Rights of the British Colonies asserted," was read and approved. A copy was transmitted to the agent in England, and along with it an energetic letter. "The silence of the province," said this letter, alluding to a suggestion of the agent that he had taken silence for consent, "should have been imputed to any cause—even to despair—rather than be construed into a tacit cession of their rights, or the acknowledgment of a right in the Parliament of Great Britain to impose duties and taxes on a people who are not represented in the House of Commons." "If we are not represented, we are slaves!"

Following up the suggestions of the Boston instructions, a committee was appointed to correspond, during the recess, with the Assemblies of the other colonies.

These energetic measures, warmly supported by Thach-

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er and Otis, were adopted just at the close of the session, and in Hutchinson's absence. The concurrence of the council was not asked. Not that any open advocates for parliamentary taxation were to be found in that body; even Governor Bernard avowed his opposition, at least, to the proposed Stamp Act; but the council, for years past very much under Hutchinson's influence, was composed of wealthy and moderate men, who might not choose to venture on so vigorous a remonstrance.

Otis's pamphlet on colonial rights conceded to Parliament a superintending power to enact laws and regulations for the public good—a power limited, however, by the "natural rights of man," and "the constitutional rights of British subjects," claimed as the birthright of all born in the colonies. It was maintained as one of these rights that taxes could not be levied on the people "but by their consent in person or by deputation" The distinction was scouted between external and internal taxes, meaning, in the one case, taxes on trade, and in the other taxes on land and personal property. If trade might be taxed without the consent of the colonists, so might land and houses. Taxes of either kind were pronounced "absolutely irreconcilable with the rights of the colonists as British subjects and as men." Yet nothing like forcible resistance was hinted at. "There would be an end to all governments if one, or a number of subjects or subordinate provinces, should take upon them so far to judge of the justice of an act of Parliament as to refuse obedience to it." "Forcibly resisting the Parliament and the king's laws is high treason." "Therefore let the Parliament lay what burdens they please on us, we must, it is our duty to submit, and patiently bear them till they will be pleased to relieve us." Such, at this moment, were the public

declarations, and most probably the private opinions of the strongest advocates of the rights of the colonists—at least of those who had been bred, like Otis, to the profession of the law. But this doctrine of patient submission to injustice was not of a sort to go down in America. CHAPTER XXVIII. 1764.

Thacher also published a tract against parliamentary taxation, and similar tracts appeared in Connecticut and Rhode Island "by authority;" in Maryland by Dulany, secretary of the province; and in Virginia by Bland, a leading member of the House of Burgesses.

The opposition of Massachusetts to the new "Sugar Act" was speedily re-echoed from Pennsylvania, and strong instructions to oppose the whole scheme of taxation were given to Franklin, about to depart for England as the agent for the colony, to solicit the overthrow of the proprietary government. Oct.

At the adjourned session of the Massachusetts General Court, the powerful influence of Hutchinson again became obvious. The House adopted a strong petition to Parliament, drawn by a committee of which Otis was chairman. The council refused to concur. A joint committee then appointed reported a petition to the House of Commons, drafted by Hutchinson, and not at all to the taste of the more ardent patriots. Yet, after some alterations, it was adopted by the court. A letter to the agent, in a somewhat more decided tone, spoke of self-taxation as the right of the colony, not as a mere usage and favor, in which light the petition seemed to regard it. Nov.

Connecticut, following in the steps of Massachusetts, adopted the same moderate tone. The Assembly of New York had agreed to a petition much more warmly expressed—so warmly that no member of Parliament could be found to present it—which strengthened and Oct.

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re-echoed by Rhode Island, made the Massachusetts leaders still more dissatisfied with the tameness of theirs.

1764. Dec. In the Virginia House of Burgesses, Peyton Randolph, the attorney general, conspicuous formerly in the controversy with Dinwiddie, Richard Henry Lee, son of a former president of the council, George Wythe, and Edmund Pendleton, all distinguished lawyers and leaders of the colonial aristocracy, were appointed a committee to draw up a petition to the king, a memorial to the House of Lords, and a remonstrance to the Commons. These papers claimed for the colony the privilege of self-taxation; but their tone was very moderate. Instead of relying on the matter of right, they dwelt at length on the embarrassments and poverty of the province, encumbered by the late war with a heavy debt.

1765. Feb. These faint protestations produced no effect on the made-up minds of the British ministers. In spite of remonstrances addressed to Grenville by Franklin, Jackson, the newly-appointed agent of Massachusetts, Ingersoll, the agent for Connecticut, and other gentlemen interested in the colonies, resolutions for an American stamp tax were brought into Parliament. The London merchants concerned in the American trade petitioned against it; but a convenient rule not to receive petitions against money bills excluded this as well as those from the colonial Assemblies. In reply to Colonel Barre, who had served in America, and who made a speech against the tax, Townshend, one of the ministers, spoke of the colonists as "children planted by our care, nourished by our indulgence, and protected by our arms." Barre's indignant retort produced a great sensation in the House. "They planted by your care? No; your oppressions planted them in America." "They nourished by your indulgence? They grew up by your neglect of them."

"They protected by your arms? Those sons of liberty have nobly taken up arms in your defense. I claim to know more of America than most of you, having been conversant in that country. The people, I believe, are as truly loyal subjects as the king has, but a people jealous of their liberties, and who will vindicate them should they ever be violated. But the subject is too delicate; I will say no more." Barre placed his opposition on the ground of expediency; General Conway and Alderman Beckford, one of the London members, denounced the bill as unjust. It passed, however, in the Commons five to one; in the Lords there was no division nor the slightest opposition.

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Feb. 27

A clause inserted into the annual Mutiny Act carried out another part of the ministerial scheme, by authorizing as many troops to be sent to America as the ministers saw fit. For these troops, by a special enactment, known as "the Quartering Act," the colonies in which they might be stationed were required to find quarters, fire-wood, bedding, drink, soap, and candles.

May.

News of the passage of these acts reached Virginia while the Assembly was sitting. The aristocratic leaders in that body hesitated. The session approached its close, and not one word seemed likely to be said. But the rights of the colonies did not fail of an advocate. Patrick Henry had already attracted the attention of the House by his successful opposition to Robinson's proposed paper money loan, as mentioned in the previous chapter. Finding the older and more weighty members unlikely to move, he assumed the responsibility of introducing a series of resolutions which claimed for the inhabitants of Virginia all the rights of born British subjects; denied any authority any where, except in the provincial Assembly, to impose taxes upon them; and denounced the

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attempt to vest that authority elsewhere as inconsistent with the ancient Constitution, and subversive of British as well as of American liberty. Upon the introduction of these resolutions a hot debate ensued. "Cæsar had his Brutus," said Henry, "Charles I. his Cromwell, and George III.—" "Treason! treason!" shouted the speaker, and the cry was re-echoed from the House. "George III.," said Henry, firmly, "may profit by their example. If that be treason, make the most of it!" In spite of the opposition of all the old leaders, the resolutions passed, the fifth and most emphatic by a majority of only one vote. The next day, in Henry's absence, the resolutions were reconsidered, softened, and the fifth struck out. But a manuscript copy had already been sent to Philadelphia; and circulating through the colonies in their original form, these resolutions gave every where a strong impulse to the popular feeling.

1765.

Before these Virginia resolutions reached Massachusetts, the General Court had met at its annual session. Considering "the many difficulties to which the colonies are and must be reduced by the operation of some late acts of Parliament," the House of Representatives appointed a committee of nine to consider what steps the emergency demanded. That committee recommended a convention or congress, to be composed of "committees from the Houses of Representatives or Burgesses in the several colonies," to meet at New York on the first Tuesday of October following, there to consult "on the difficulties in which the colonies were and must be placed by the late acts of Parliament levying duties and taxes upon them;" and, further, "to consider of a general and humble address to his majesty and the Parliament to implore relief." Even the partisans of Bernard judged it best to concur in the adoption of this report; and they congratu-

June 6.

lated themselves that Ruggles and Partridge, two of the committee appointed to represent Massachusetts at the congress, were "prudent and discreet men, fast friends of government." The third was James Otis. A circular letter, addressed to all the other colonies, recommended similar appointments. South Carolina was the first to respond by the appointment of delegates. CHAPTER XXVIII. 1765. July 25

The stamps were to be prepared in Great Britain, and sent to officers in the colonies appointed to sell them. Anxious to make this unpopular measure as palatable as possible, the colonial agents were consulted as to the persons to be appointed. So little did even Franklin foresee the result, that he procured that office at Philadelphia for one of his particular friends. He also advised Ingersoll, the Connecticut agent, to accept that appointment for his own colony. Governor Fitch and a majority of the Connecticut assistants inclined to submit to the Stamp Act; but Trumbull and others loudly protested, and the popular feeling was all on their side.

Before the stamps reached America, symptoms of a violent ferment appeared. A great elm in Boston, at the corner of the present Washington and Essex Streets, under which the opponents of the Stamp Act were accustomed to assemble, soon became famous as "liberty tree." Those persons supposed to favor the ministry were hung in effigy on the branches of this elm. A mob attacked the house of Oliver, secretary of the colony, who had been appointed stamp distributer for Massachusetts, broke his windows, destroyed his furniture, pulled down a small building supposed to be intended for a stamp office, and frightened Oliver into a resignation. Aug 15

Jonathan Mayhew, the able minister of the West Church in Boston—distinguished by some recent controversial tracts, in which he had severely criticised the conduct

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of the Society for the Propagation of the Gospel in maintaining Episcopal missionaries in New England—preached a warm sermon against the Stamp Act, taking for his text, "I would they were even cut off which trouble you!" The Monday evening after this sermon the

Aug. 26

riots were renewed. The mob attacked the house of Story, registrar of the Admiralty, and destroyed not only the public files and records, but his private papers also. Next they entered and plundered the house of the controller of the customs; and, maddened with liquor and excitement, proceeded to the mansion of Hutchinson in North Square. The lieutenant governor and his family fled for their lives. The house was completely gutted, and the contents burned in bonfires kindled in the square. Along with Hutchinson's furniture and private papers perished many invaluable manuscripts relating to the history of the province, which Hutchinson had been thirty years in collecting, and which it was impossible to replace.

As commonly happens on such occasions, the immediate actors in these scenes were persons of no note, the dregs of the population. Mayhew sent the next day a special apology and disclaimer to Hutchinson. The inhabitants of Boston, at a town meeting, unanimously expressed their "abhorrence" of these proceedings; and a "civic guard" was organized to prevent their repetition. Yet the rioters, though well known, went unpunished—a sure sign of the secret concurrence and good will of the mass of the community. It is only in reliance on such encouragement that mobs ever venture to commit deeds of violence. Those now committed were revolutionary acts, designed to intimidate, melancholy forerunners of civil war.

Throughout the northern colonies, associations on the basis of forcible resistance to the Stamp Act, under the

name of "Sons of Liberty"—a title borrowed from Barre's famous speech—sprung suddenly into existence. CHAPTER XXVIII.

1765. Persons of influence and consideration, though they might favor the object, kept aloof, however, from so dangerous a combination, which consisted of the young, the ardent, those who loved excitement, and had nothing to lose. The history of these "Sons of Liberty" is very obscure; but they seem to have spread rapidly from Connecticut and New York into Massachusetts, Pennsylvania, and New Jersey, and to have taken up as their special business the intimidation of the stamp officers. In all the colonies those officers were persuaded or compelled to resign; and such stamps as arrived either remained unpacked, or else were seized and burned. The Assembly

Sept. 21. of Pennsylvania unanimously adopted a series of resolutions denouncing the Stamp Act as "unconstitutional, and subversive of their dearest rights." Public meetings to protest against it were held throughout the colonies. The holding of such meetings was quite a new incident, and formed a new era in colonial history.

Oct. 7. In the midst of this universal excitement, at the day appointed by Massachusetts, committees from nine colonies met in New York. The Assemblies of Virginia and North Carolina not having been in session since the issue of the Massachusetts circular, no opportunity had occurred of appointing committees. New York was in the same predicament; but a committee of correspondence, appointed at a previous session, saw fit to attend. In Georgia Governor Wright refused to call the Assembly together; but the speaker of the House of Representatives, after consulting with a majority of the members, sent a letter to New York approving the proposed congress, and promising to support its measures. The New Hampshire House of Representatives gave their sanction

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to the congress, and offered to join in any suitable memorial; but, "owing to the particular state of their affairs," by which may be understood the predominant influence of Governor Wentworth, they sent no delegates. Dr. Franklin, about the close of his first agency in England, had obtained the post of governor of New Jersey, vacated by Hardy, for his natural and only son, William Franklin. The new governor, who inherited all the prudence, with none of the patriotic ardor of his father, had prevailed upon the Assembly of that province to return a negative answer to the Massachusetts letter; but this proved so unsatisfactory to the people, that the speaker called the members together by circular, and delegates were appointed.

The Congress was organized by the appointment of Ruggles as president. There were present, among other members, James Otis, of Massachusetts; William S. Johnson, of Connecticut; Philip Livingston, of New York; John Dickinson, of Pennsylvania; Thomas M'Kean, of Delaware, and Christopher Gadsden and John Rutledge, of South Carolina, all subsequently distinguished in the history of the Revolution. A rule was adopted, giving to each colony represented one vote.

In the course of a three weeks' session, a Declaration of the Rights and Grievances of the Colonies was agreed to. All the privileges of Englishmen were claimed by this declaration as the birth-right of the colonists—among the rest, the right of being taxed only by their own consent. Since distance and local circumstances made a representation in the British Parliament impossible, these representatives, it was maintained, could be no other than the several colonial Legislatures. Thus was given a flat negative to a scheme lately broached in England by Pownall and others, for allowing to the

colonies a representation in Parliament, a project to which both Otis and Franklin seem at first to have leaned. CHAPTER XXVIII.

A petition to the king and memorials to each house of Parliament were also prepared, in which the cause of the colonies was eloquently pleaded. Ruggles refused to sign these papers, on the ground that they ought first to be approved by the several Assemblies, and should be forwarded to England as their acts. Ogden, one of the New Jersey delegates, withheld his signature on the same plea. The delegates from New York did not sign, because they had no special authority for their attendance; nor did those of Connecticut or South Carolina, their commissions restricting them to a report to their respective Assemblies. The petition and memorials, signed by the other delegates, were transmitted to England for presentation. 1765. Oct. 25.

The several colonial Assemblies, at their earliest sessions, gave to the proceedings a cordial approval. The conduct of Ruggles, in refusing his signature, was severely censured by the Massachusetts representatives. Ogden was burned in effigy by the people of New Jersey.

The first day of November, appointed for the Stamp Act to go into operation, came and went, but not a stamp was any where to be seen. Two companies of rioters paraded that evening the streets of New York, demanding the delivery of the stamps, which Colden, on the resignation of the stamp distributer, and his refusal to receive them, had taken into the fort. Colden was hung in effigy. His carriage was seized, and made a bonfire of under the muzzles of the guns; after which the mob proceeded to a house in the outskirts, then occupied by Major James, of the Royal Artillery, who had made himself obnoxious by his free comments on the conduct of the colonists. James's furniture and property were de- Nov. 1.

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stroyed, as Hutchinson's had been. General Gage, the commander-in-chief of the British forces in America, was
1765 at New York, but the regular garrison in the fort was very small. Alarmed for the safety of the city, and not willing to take any responsibility, as Sir Henry Moore, the recently appointed governor, was every day expect-
Nov. 5. ed, Colden agreed, by Gage's advice, the captain of a British ship of war in the harbor having refused to receive them, to give up the stamps to the mayor and corporation. They were accordingly deposited in the City Hall, under a receipt given by the mayor.

These proceedings had been under the control of the inferior class of people, of whom Isaac Sears, late a ship-
Nov. 6. master and privateersman, now inspector of potashes, was the leader. The next day a meeting was called of the wealthier inhabitants, and a committee was appointed, of which Sears was a member, with four colleagues, to correspond with the other colonies. This committee soon brought forward an agreement to import no more goods from Great Britain till the Stamp Act was repealed—the commencement of a system of retaliation on the mother country repeatedly resorted to in the course of the struggle. This non-importation agreement, to which a non-consumption agreement was presently added, besides being extensively signed in New York, was adopted also in Philadelphia and Boston. At the same time, and as part of the same plan, a combination was entered into for the support of American manufactures, the wearing of American cloths, and the increase of sheep by ceasing to eat lamb or mutton.

Business, suspended for a while, was presently resumed. Stamped papers were required in judicial proceedings, but by continuing the cases before them, or going on without notice of the deficiency, even the

judges, after some hesitation, concurred in nullifying the act. CHAPTER XXVIII.

A change in the English ministry, which took place in July, and the news of which reached America in September, encouraged the colonists in the stand they had taken. This change originated in domestic reasons wholly unconnected with colonial polity; it was regarded, however, as favorable to the general cause of freedom. The old Whig aristocracy, which had governed the kingdom since the accession of the house of Hanover, had split up of late into several bitter and hostile factions, chiefly founded on mere personal considerations. Pitt's repeated attacks on former ministries, and, at last, his forcing himself into power, had contributed not a little to this result. The accession of George III. had given rise to a new party, by which Pitt himself had been superseded—a party which called themselves "king's friends," aided, as against Pitt, by some adventurers from among the Whigs, such as Grenville, the late minister, but most of them representatives of the old Tory families, for half a century previous excluded by the Whigs from office. These "king's friends" were regarded as hostile to popular rights, and were looked upon by the great body of the middle class with very jealous eyes. It was their distinguishing doctrine that the authority of the king had been usurped and encroached upon by the House of Commons. The Marquis of Rockingham, the new minister, leader of one of the fragments of the old Whig party, was liberally disposed; but as yet there hardly existed in England a popular party in our American sense. The interests of trade and manufactures were not, indeed, without their representatives, chosen from some of the large towns, but a great part of the boroughs were "rotten"—the

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property, that is, of one or more individuals, who in fact named the representatives; while money, in the shape of

1765. bribes, decided the choice in many of the rest. The House of Commons represented a narrow aristocracy, the majority of the members being substantially nominated by the great landholders. The House, thus chosen, debated with closed doors, only a few spectators being admitted as a special favor. To publish an account of their proceedings was a breach of privilege, and only brief and imperfect sketches, even of the principal debates, found their way into print. Faint signs were but just beginning to appear of that social revolution which has created the modern popular party of Great Britain and Europe, giving complete publicity to legislative proceedings, and organizing public opinion as a regular and powerful check upon authority.

1766. Jan. In the address from the throne at the opening of the session, the new ministry brought the state of colonial affairs before Parliament. They produced the correspondence of the colonial governors and other papers relating to the late disturbance. Numerous petitions from British merchants for the repeal of the Stamp Act were also presented to the two houses.

Pitt, for some time past withdrawn by sickness from public affairs, was unconnected, at this moment, with either Grenville's or Rockingham's party. He now appeared in his place in the House of Commons, and delivered his opinion, "that the kingdom had no right to levy a tax on the colonies." "The Commons in America, represented in their several assemblies, have invariably exercised the constitutional right of giving and granting their own money; they would have been slaves if they had not; at the same time, this kingdom has ever possessed the power of legislative and commercial con-

trol. The colonies acknowledge your authority in all things with the sole exception that you shall not take their money out of their pockets without their consent." 1766.

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This decisive avowal by Pitt made a profound impression on the House. After a long pause, Grenville rose to vindicate the Stamp Act. The tumults in America bordered, he averred, on open rebellion; but if the doctrines now promulgated were upheld, they would soon lose that name, and become a revolution. Taxation was a branch of the sovereign power, constantly exercised by Parliament over the unrepresented. Resorting, then, to a method of intimidation common with politicians, "the seditious spirit of the colonies," he said, "owes its birth to the faction in this House." This invidious assault was met by Pitt with characteristic intrepidity. "A charge is brought against gentlemen sitting in this House of giving birth to sedition in America. The freedom with which they have spoken their sentiments against this unhappy act is imputed to them as a crime. But the imputation shall not discourage me." "We are told America is obstinate—America is almost in open rebellion. Sir, I rejoice that America has resisted. Three millions of people so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of all the rest." "The Americans have been wronged! They have been driven to madness by injustice! Will you punish them for the madness you have occasioned? No! Let this country be the first to resume its prudence and temper; I will pledge myself for the colonies, that on their part animosity and resentment will cease."

The new ministry were under no obligation to support the policy of their predecessors. Anxious to escape the difficulty by the readiest means, they brought in a bill

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for repealing the Stamp Act. Franklin, summoned to the bar of the House as a witness, testified that the act could never be enforced. His prompt and pointed answers gained him great credit for information, acuteness, and presence of mind. Burke, introduced into Parliament by Rockingham, to whom he had been private secretary, and for one of whose rotten boroughs he sat, gave his eloquent support in favor of repeal; and in spite of a very strenuous opposition on the part of the supporters

1766.

March 28. of the late ministry, the bill of repeal was carried in the Commons by a vote of two hundred and seventy-five to one hundred and sixty-seven.

But the ministers by no means went the length of Pitt. They placed the repeal on the ground of expediency merely, and they softened the opposition by another bill previously passed, which asserted the power and right of Parliament "to bind the colonies in all cases whatsoever." Chief-justice Pratt, of the Common Pleas, now become Lord Camden, made a vigorous opposition to this provision. "My position is this—I repeat it; I will maintain it to the last hour—taxation and representation are inseparable. The position is founded in the law of nature. It is more; it is itself an eternal law of nature." Lord Mansfield, on the other hand, maintained the sovereign power of Parliament as including the right to tax; an idea quite too flattering to the pride of authority to be easily relinquished. Only four peers supported Lord Camden; and so small was the countenance which this view received in the Commons, that Pitt did not think it worth while to ask for a division.

CHAPTER XXIX.

TOWNSHEND'S SCHEME OF COLONIAL TAXATION. REPEAL OF THE NEW TAXES EXCEPT THAT ON TEA. LOCAL AFFAIRS. TERRITORIAL CONTROVERSIES. FIRST SETTLEMENTS IN TENNESSEE. KENTUCKY EXPLORED.

IN spite of the Parliamentary claim of power to bind the colonies in all cases whatsoever, the repeal of the Stamp Act produced throughout America a great burst of loyalty and gratitude. Virginia voted a statue to the king. New York voted statues to the king and to Pitt, both of which were presently erected. Maryland voted a statue to Pitt and a portrait of Lord Camden. Faneuil Hall was adorned with full-length pictures of Barre and Conway. Pitt became more than ever a popular idol. Resolutions of thanks to him and others were agreed to by most of the colonial Assemblies. 1766. May.

A resolution of the House of Commons had demanded indemnity from the colonies for such crown officers as had suffered losses in the late Stamp Act riots. New York promptly complied. After much urging by the governor, Massachusetts passed a similar act; but a free pardon to the rioters inserted in it betrayed the state of public feeling, and gave great offense in England.

As the first burst of exultation died away, new discontents began to spring up. The Stamp Act was repealed, but the "Sugar Act" remained in force; and, though modified by a still further reduction of the duties on molasses to one penny the gallon, it continued to give great dissatisfaction, especially in the northern colonies.

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Another modification of that act prohibited all direct trade with France. But iron and lumber, lately placed in the list of "enumerated articles," were allowed to be exported to European ports south of Cape Finisterre.

1766.

The short-lived ministry of the Marquis of Rocking-

Aug.

ham was speedily overturned by a very heterogeneous combination, the nominal head of which was Pitt, now created Earl of Chatham. The Duke of Grafton and Lord Camden also had seats in this new ministry as well as Lord Shelburne, to whose department, as secretary of state, the management of the colonies particularly appertained. But this liberal side of the new administration was more than counterbalanced by another section of it composed of "king's friends;" and, as the failing health of Pitt soon disqualified him for business, they speedily acquired the chief direction of affairs. This was the ministry which Burke afterward so wittily described as "a piece of diversified mosaic, a tesselated pavement without cement, here a bit of black stone, there a bit of white, patriots and courtiers, king's friends and Republicans, Whigs and Tories, treacherous friends and open enemies, a very curious show, but utterly unsafe to touch and unsure to stand upon."

The place of chancellor of the Exchequer, on whom the suggestion of ways and means devolves, was held by Charles Townshend, a man of brilliant parts, but without any settled principles. As a member of Grenville's ministry, he had supported and advocated the Stamp Act. In the repeal of that act he had joined so conspicuously as to have received from Massachusetts a

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special vote of thanks. At the second session of Parliament after the formation of the new ministry, Townshend brought forward a new scheme for raising a revenue in America; not only for maintaining a standing army

in the colonies, but to provide also, agreeably to a clause to that effect inserted in the bill, permanent salaries for the governors and judges, so as to make them independent of the colonial Assemblies—an arrangement frequently demanded hitherto by the royal governors under express instructions from the crown, but never yet obtained except in Virginia. The opponents of the Stamp Act, or some of them, especially Pitt, had taken a distinction between a direct tax levied on the colonies and commercial imposts which might be supposed to fall under the admitted parliamentary right of regulating trade. Of this distinction Townshend took advantage in framing his new project—but in one respect his bill violated the established policy of the mother country. The royal negative had been repeatedly placed on colonial acts levying imposts on British goods. But this bill, along with tea, included paints, paper, glass, and lead—articles of British produce—as objects of custom-house taxation in the colonies. The exportation of tea to America was encouraged by another act, allowing for five years a drawback of the whole duty payable on the importation.

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The impossibility of enforcing the Stamp Act, not any sense of right or justice, had produced its repeal. This new act of Townshend's, the immediate cause of all the subsequent troubles, was supposed to be of easier execution, and passed with very little opposition. By another act, reorganizing the colonial custom-house system, a Board of Revenue Commissioners for America was established, to have its seat at Boston.

A scheme was also proposed, though not acted upon, for transferring to the mother country and converting into a source of revenue the issue of the colonial paper money. This, as well as the payment of the crown officers out of a common parliamentary revenue, was a favorite

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project with Pownall, late governor of Massachusetts, and now a member of Parliament, and was zealously advocated in his recently-published work on the "Administration of the Colonies." Pownall insisted, however, that the British dominions ought to be consolidated into one empire, by allowing to the colonists a parliamentary representation, without which, as he maintained, Parliament had no right to levy taxes on America.

Notwithstanding the late Quartering Act, the Assembly of New York had made but scanty provision for the troops stationed in that province. Though urged by a letter from Lord Shelburne to a more full compliance, they had persisted in refusing; and this obstinacy was now punished by an act, passed in spite of Pownall's zealous opposition, which forbade the New York Assembly to legislate for other purposes till full provision had first been made for the troops. Georgia had displayed some stubbornness on this same point; but the withdrawal of the troops, leaving the colony exposed to Indian invasion from without and negro insurrection within, soon brought the Assembly to terms.

The passage of these acts, and the determination they evinced to raise a parliamentary revenue in America, brought the colonists in a body to the ground originally taken by Otis, that taxes on trade, if designed to raise a revenue, were just as much a violation of their rights as any other tax. This view was ably supported in a series of "Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies," written by John Dickinson, and designed to show the danger of allowing any precedent of parliamentary taxation to be established on grounds no matter how specious, or to any extent no matter how trifling; for who could tell to what lengths such a precedent might ultimately be pushed? These

letters had a great circulation in the colonies, and Frank- CHAPTER XXIX.
lin caused an edition to be published in London. At _____
first he had inclined to the distinction between internal 1767.
and external taxation, but he now adopted the views of Otis and Dickinson. The colonial newspapers, some twenty-five or more in number, began to teem with essays on colonial rights.

On Bernard's refusal to summon a special session of the General Court to take the new acts of Parliament into consideration, a public meeting was held in Boston, Oct. 28.
at which resolutions were adopted to encourage "industry, economy, and manufactures." A large committee was appointed to obtain subscribers to an agreement to discontinue the importation of British goods, and the consumption of such as were not absolute necessaries. It was thought that woolens and linens might soon be produced sufficient for domestic use. Particular attention to their manufacture was recommended. Similar resolutions were adopted in other towns, and the non-importation agreement was very generally subscribed, not in Boston only, but throughout the province. This example was presently imitated in Providence, New York, and Philadelphia. The influence of John Wentworth, who had lately succeeded his uncle as governor of New Hampshire, prevented the merchants of Portsmouth from coming heartily into the scheme. It was eagerly adopted in Connecticut, where William Pitkin, a more ardent patriot, had superseded the moderate Fitch as governor.

When the General Court of Massachusetts met, the Dec. 30.
charter and the recent acts of Parliament were read in the House, and a large committee was appointed to consider the state of the province. To Dennis de Berdt, a 1768.
London merchant, appointed agent for the colony, a long Jan

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letter of instructions was presently sent, and with it a petition to the king, and letters urging the rights of the
1768. province, addressed to Lord Shelburne, General Conway, the Marquis of Rockingham, Lords Camden and Chatham, and the lords commissioners of the treasury. What
Feb 11. was more to the purpose, a circular letter was also issued to the speakers of the popular branch of the several colonial Assemblies, inviting co-operation and mutual consultation for the defense of colonial rights.

Oxenbridge Thacher was dead, but James Otis, the leader in these measures, whose election as speaker had been negatived by Bernard, found earnest and able supporters in his three Boston colleagues, Thomas Cushing, Samuel Adams, and John Hancock. After the rejection of Otis, Cushing, descended from an ancient colonial family, and extensively connected, had been chosen speaker of the House. Samuel Adams was a stern Puritan, a true representative of the founders of Massachusetts, from his early youth a warm politician and ardent opposer of prerogative, but till recently without much influence. Educated at Cambridge and intended for the ministry, circumstances had forced him to adopt his father's business of a merchant. Not succeeding in that, he had accepted the office of collector of town taxes; but some deficiency in his accounts—for he was no man of business—threw him for a while into the shade. The recent troubles had brought him conspicuously forward. His energy and courage made him leader in the Boston town meetings. Chosen in Thacher's place as one of the representatives, he accepted the office of clerk of the House—a place which not only gave him a small income, but also enabled him to exercise a certain influence over the course of proceeding. While he devoted himself to politics, it was chiefly the industry of his wife

that supported the family. But, though poor, Adams was incorruptible. It had been suggested to quiet him with a government place; but Hutchinson declared that such was his "obstinacy and inflexible disposition," that no gift nor office could ever conciliate him. The father and grandfather of John Hancock had been country ministers. An uncle, who began as a bookseller, but became afterward a merchant and government contractor, left him a fortune of $200,000, with a reversionary interest in half as much more. Young, and of gay temper, winning manners, and a strong love of popular approbation, Hancock acted very much under the guidance of Adams, who saw the policy of putting him forward as a leader. The Massachusetts House of Representatives consisted at this time of upward of a hundred members, by far the most numerous assembly in America. Its debates had begun to attract attention, and a gallery had lately been erected for the accommodation of spectators. Of the country members, none had so much influence as Joseph Hawley, a lawyer of Northampton, a man of strong religious feelings, who from a violent opposer of Edwards' theological views had become their warm advocate. Fits of melancholy, in repressing his personal ambition, only gave the greater weight to his decision of character and reputation for sound judgment.

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The council, purged by dropping Hutchinson and several other officials, was now chiefly influenced by James Bowdoin. His grandfather, a French Huguenot, had migrated to New England shortly after the revocation of the Edict of Nantes. His father, from very small beginnings, had acquired the largest fortune in Boston, the most of which, Bowdoin, an only son, had inherited at the age of twenty-one. In the prime of life, of elevated character and a studious turn of mind, for several years

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1768. past a member of the council, he acted in close concert with Adams, to whose impetuous ardor and restless activity his less excitable but not less firm temper served as a useful counterpoise.

Meanwhile the merchants had been greatly irritated by new strictness in the collection of duties, and by suits even for past breaches of the revenue laws. Shortly after the meeting of the new General Court, the seizure of the sloop Liberty, belonging to Hancock, on the charge of having smuggled on shore a cargo of wine from Ma-

June 10. deira, occasioned a great riot. The newly-appointed revenue commissioners fled for their lives, first on board a ship-of-war in the harbor, and then to the barracks on Castle Island, where a company of British artillery was

June 13. stationed. A town meeting, held in Faneuil Hall, petitioned the governor to remove the ship-of-war from the harbor. The council passed resolutions strongly condemning the rioters, but would not advise that the commissioners might safely return to the town, nor could the governor induce them to take any decided step of any sort. The House took no notice at all of the matter. An attempt to prosecute those engaged in the riot failed for want of witnesses, and even the proceedings against the vessel had to be given up for the same cause.

In compliance with orders from Lord Hillsborough, lately appointed to the newly-created office of secretary for the colonies, Bernard called upon the House to rescind the circular issued by the last court, at which great offense had been taken in England. The House justified that document against Hillsborough's charges of having been passed by surprise at the end of the session, but disclaimed any responsibility for or control

July. over the doing at a former court. By a vote of ninety-two to seventeen they refused to rescind, and a dissolu-

tion was the consequence. The seventeen "rescinders" became objects of great public odium. CHAPTER XXIX.

Lord Hillsborough, whom Franklin describes as "a little, alert man of business, but passionate and headstrong," had written to the governors of the other provinces, urging them to prevent their respective Assemblies from paying any attention to the Massachusetts circular. But already Connecticut, New Jersey, Virginia, and Georgia had given a cordial response; and in Maryland and New York, Hillsborough's interference produced an effect the opposite of what he desired. The Burgesses of Virginia voted a memorial to the Lords and a remonstrance to the Commons against the late acts of Parliament. They dwelt with particular emphasis upon the act suspending the legislative powers of the New York Assembly—a stretch of authority already adverted to in Massachusetts and in other colonies. In consequence of these resolutions, Lord Boutetourt, who had lately succeeded Fauquier as governor, dissolved the Assembly. The Assemblies of Maryland and Georgia, having approved the proceedings of Massachusetts and Virginia, were also dissolved. 1768.

The New York Assembly still obstinately refusing to make the required provision for the troops, that body was dissolved also; but this dissolution made no change in the character of the Assembly, which consisted at this time of twenty-seven members: four for the city and county of New York, two for the city and county of Albany, two for each of the other eight counties, one for the borough of Westchester, one for the township of Schenectady, and one for each of the manors of Rensselaerswyk, Livingston, and Courtlandt. At a new election the popular side was even strengthened. Besides Philip Livingston, distinguished in the last House as an

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advocate of colonial rights, and now again re-elected from the city of New York, and chosen speaker, seats were
1768. obtained by George Clinton and Philip Schuyler, the one an Ulster county lawyer, of Irish descent, the other of an ancient Dutch family, both men of distinguished firmness and energy. The new Assembly having followed the example of the old one in refusing to comply with the requisitions of the Quartering Act, another dissolution was the speedy consequence.

Before news had reached England of the late riot in Boston, two regiments from Halifax had been ordered thither. When news of that riot arrived, two additional regiments were ordered from Ireland. The arrival of an officer, sent by Gage from New York, to provide quar-
Sept. 12. ters for these troops, occasioned a town meeting in Boston, by which the governor was requested to summon a new General Court, which he peremptorily refused tc do. The meeting then recommended a convention of delegates from all the towns in the province to assemble at Boston in ten days; "in consequence of prevailing apprehensions of a war with France"—such was the pretense—they advised all persons not already provided with fire-arms to procure them at once; they also appointed a day of fasting and prayer, to be observed by all the Congregational societies. Delegates from more than
Sept. 22 a hundred towns met accordingly at the day appointed, chose Cushing, speaker of the late House, as their chairman, and petitioned Bernard to summon a General Court. The governor not only refused to receive their petition, but denounced the meeting as treasonable. In view of this charge, the proceedings were exceedingly cautious and moderate. All pretensions to political authority were expressly disclaimed. In the course of a four days' session a petition to the king was agreed to,

and a letter to the agent, De Berdt, of which the chief burden was to defend the province against the charge of a rebellious spirit. Such was the first of those popular conventions, destined within a few years to assume the whole political authority of the colonies. CHAPTER XXIX. 1768.

The day after its conclusion the troops from Halifax arrived. There was room in the barracks at the castle, but Gage, alarmed at the accounts from Massachusetts, had sent orders from New York to have the two regiments quartered in the town. The council were called upon to find quarters, but by the very terms of the Quartering Act, as they alleged, till the barracks were full there was no necessity to provide quarters elsewhere. Bernard insisted that the barracks had been reserved for the two regiments expected from Ireland, and must, therefore, be considered as already full. The council replied, that, even allowing that to be the case, by the terms of the act, the provision of quarters belonged not to them, but to the local magistrates. There was a large building in Boston belonging to the province, known as the "Manufactory House," and occupied by a number of poor families. Bernard pressed the council to advise that this building be cleared, and prepared for the reception of the troops; but they utterly refused. The governor then undertook to do it on his own authority. The troops had already landed, under cover of the ships of war, to the number of a thousand men. Some of them appeared to demand an entrance into the Manufactory House; but the tenants were encouraged to keep possession; nor did the governor venture to use force. One of the regiments encamped on the Common; for a part of the other regiment, which had no tents, the temporary use of Faneuil Hall was reluctantly yielded; to the rest of it, the Town House, used Sept. 27.

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also as a State House, all except the council chamber, was thrown open by the governor's order. It was Sun-

1768. day. The Town House was directly opposite the meeting-house of the First Church Cannon were planted in front of it; sentinels were stationed in the streets; the inhabitants were challenged as they passed. The devout were greatly aggravated and annoyed by the beating of drums and the marching of the troops.

Oct. Presently Gage came to Boston to urge the provision of quarters. The council directed his attention to the terms of the act, and referred him to the selectmen. As the act spoke only of justices of the peace, the selectmen declined to take any steps in the matter. Bernard then constituted what he called a Board of Justices, and required them to find quarters; but they did not choose to exercise a doubtful and unpopular authority. Gage was finally obliged to quarter the troops in houses which he hired for the purpose, and to procure out of his own military chest the firing, bedding, and other articles mentioned in the Quartering Act, the council having declined to order any expenditure for those purposes, on the ground that the appropriation of money belonged exclusively to the General Court.

The first Parliament of George III. had been dissolved.

Dec. At the opening of the new Parliament all the papers relating to the colonies, and particularly to the recent proceedings in Massachusetts, were laid before the two houses. The House of Lords severely censured those proceedings, particularly the Convention held at Boston. They approved the conduct of ministers, and recommended instructions to the governor of Massachusetts to obtain full information of all treasons, and to transmit the offenders to England, to be tried there under an old statute of Henry VIII. for the punishment of treasons committed out of the kingdom.

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These resolutions, sent down to the Commons, encountered a vigorous opposition, in which Barre, Burke, and Pownall took the lead. But they passed by a very decided majority. Nor did this majority misrepresent the general feeling of the British people. As a body, they considered the late proceedings in the colonies indicative of a factious and rebellious spirit, which they took almost as a personal insult. "Every man in England," wrote Franklin, "regards himself as a piece of a sovereign over America, seems to jostle himself into the throne with the king, and talks of *our* subjects in the colonies."

1769. Jan.

Among the other papers laid before Parliament were certain letters of Bernard, reflecting on the conduct of the council in the matters of the late custom-house riot and the quartering of the troops. It was not yet the fashion to print such documents; but copies of these letters had been obtained by Bollan, whom the council had lately appointed as their agent. Transmitted to Boston, they served to increase the already excessive unpopularity of Bernard. The ministry, however, rewarded his zeal by making him a baronet.

Among the members of the new Virginia Assembly was Thomas Jefferson, of Albemarle county, where he possessed a handsome patrimonial estate, originally settled by his father. He had been educated to the law, but had little taste for the technicalities and chicanery of that profession. Jefferson signalized his entrance into the Assembly by a motion giving to masters of slaves an unrestricted right of emancipation; but it did not succeed. When news of the late parliamentary proceedings arrived, resolutions were immediately passed, which the speaker was requested to transmit to the Assemblies of the other colonies, maintaining the right of the colonists to

May 16.

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self-taxation, to petition and remonstrance, and to be tried in all cases by a jury of the vicinage. As soon as Lord
1769. Boutetourt heard what was doing, he dissolved the Assembly. But the members met immediately afterward at a tavern, and, headed by Peyton Randolph, their late speaker, entered, in their private capacity, into a non-importation agreement, similar to that existing in several of the northern colonies, in which they invited all merchants and planters to join.

The House of Representatives of Massachusetts, at
May 31. their first coming together, resolved that it was inconsistent with their dignity and freedom to deliberate in the midst of an armed force; and that the keeping an armed force, military and naval, in and about the metropolis, while they were in session there, was a breach of privilege. They petitioned the governor to remove the troops from Boston, at least during the session; but he disclaimed any authority of that sort. From necessity, and under protest, the representatives submitted to go through the forms of organization by electing a council; but they refused to enter upon the business of supplies, or any thing else but redress of grievances. The governor complained of their conduct as an idle
June 13. waste of public time and money, and adjourned them to Cambridge.

Having communicated to the House his intention of going to England, called thither, as he informed them, to lay the state of the province before the king, the House unanimously voted a petition, humbly entreating that Sir Francis Bernard might be removed forever from the government of the province. They denounced a standing army in time of peace, without the consent of the General Court, as an invasion of natural rights and their rights as Englishmen, highly dangerous to the people,

without precedent, and unconstitutional. When called upon to refund the expenses already incurred in finding quarters for the troops, and to make provision also for the future, they rose to a still more indignant strain. "Of all the new regulations, the Stamp Act not excepted, this under consideration is most excessively unreasonable." "Your excellency must therefore excuse us, in this express declaration, that as we can not consistently with our honor and interest, and much less with the duty we owe our constituents, so we never will make provision for the purposes in your several messages above mentioned." Finding the representatives unmanageable, Bernard prorogued the court and departed, leaving the administration in the hands of Lieutenant-governor Hutchinson. Not long after his departure the grand jury of Suffolk county found indictments against him for libel, in writing letters to the king's ministers slandering the inhabitants of the province.

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1769. July 15.

Aug. 1.

The spirit evinced in Virginia and Massachusetts, the two leading colonies, pervaded almost the whole continent. The Assembly of South Carolina refused to find quarters for the troops sent to that province, and they adopted the Virginia resolutions, as did also the Assemblies of Maryland and Delaware. The North Carolina Assembly did the same thing, and was dissolved in consequence; but the members immediately reassembled in their private capacity, as had been done in Virginia, and entered into the non-importation agreement, which now, for the first time, became pretty general. It had been adopted even in Georgia and Rhode Island, hitherto very backward. New Hampshire, also, in spite of Governor Wentworth's influence, was forced into it by threats of non-intercourse. The observance, indeed, of this agreement was by no means always voluntary. Many sub-

Oct

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mitted to it only through fear. Its observance was looked after by self-constituted committees, whose proceedings were complained of, sometimes probably with good reason, as partial, harsh, and inquisitorial.

Party lines throughout the colonies began now to be strictly drawn. The partisans of the mother country were stigmatized as *Tories*, while the opponents of parliamentary taxation took the name of *Whigs*—old names lately applied in England as designations for the "king's friends" and their opponents.

The struggle, indeed, between the two parties in the mother country had reached a high pitch. Wilkes, in his North Briton, had assailed the king's friends with a freedom hitherto unknown. The attempt to put him down by a prosecution; his repeated expulsions from the House of Commons; and the outrage on the rights of the Middlesex electors, by declaring another person with a far less number of votes entitled to Wilkes's seat, on the ground that, having been expelled from the House, he could no longer be a candidate—these proceedings, which had converted Wilkes into a popular idol, had raised a storm of indignation, especially in London, too formidable to be despised. The anonymous Junius had begun to write, and in him the ministers found a censor still more terrible. These attacks, though unconnected with the American troubles, yet originated in a similar dislike of arbitrary authority, and they indicated the existence of a spirit at home in direct opposition to the principles of the ministers.

Toward the close of the session of Parliament, Pownall had moved the repeal of Townshend's act, and had supported the motion in an elaborate speech, in which he showed that the total produce of the new taxes for the first year had been less than £16,000; that the expenses

of the new custom-house arrangements had reduced the net proceeds of the crown revenue in the colonies to only £295, while the extraordinary military expenses in America amounted for the same period to £170,000; the merchants, meanwhile, loudly complaining of the decline of trade, an evil which the extension of the non-importation agreements threatened to aggravate. Instead of meeting Pownall's motion by a direct negative, the ministers proposed the reference of the subject to the next session, and, shortly after the prorogation, Hillsborough addressed a circular to the colonial governors, announcing the intention to repeal all clauses of Townshend's act which imposed duties on British goods, such duties being regarded as "contrary to the true principles of commerce." But the duty on tea and the right of parliamentary taxation being still adhered to, this announcement had little effect. CHAPTER XXIX. 1769.

In New York alone appeared some symptoms of yielding. Many of the wealthier proprietors, especially those belonging to the Church of England, alarmed at the evident tendency of things, began now to relax their opposition. The legislation of the province had been suspended for two years, and two successive Assemblies had been dissolved in consequence of refusal to comply with the terms of the Quartering Act. At the election of a new Assembly, the moderate party, as they called themselves, made a great effort, and not without success. Philip Livingston, late speaker, a representative of the city and county of New York in the two previous Assemblies, was now defeated, and, though returned from his brother's manor of Livingston, he was presently ousted on the ground of non-residence. Clinton and Schuyler secured a re-election; but the moderate party had a decided majority. By the death of Sir Henry Moore, the Sept. 1.

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administration of the government again devolved on the aged Colden. The new Assembly chose Edmund Burke
1769. as their agent in England; they even went so far as to adopt the Virginia resolutions; but they gave great offense to the more ardent patriots by yielding the point on which the two preceding Assemblies had stood out, and making the required provision for the troops. This concession drew from Alexander M'Dougall, a chief leader among the "Sons of Liberty," a merchant, whom his own efforts and energy had raised from a very humble origin, afterward a major-general in the revolutionary army, an indignant "Address to the betrayed Inhabitants of the City and Colony of New York," calling a
Dec. 20. public meeting of citizens to take the proceedings of the Assembly into consideration. The Assembly pronounced this address—Schuyler alone dissenting—"a
1770. false, seditious, and infamous libel. The soldiers re-
Jan. 13. venged the cause of the Assembly by cutting down a liberty-pole, erected by the patriots as a place of popular rendezvous. The populace retorted this insult; and frequent brawls began to occur between them and the soldiers. On a charge of being the author, the Assembly
Dec. committed M'Dougall to prison; but this only increased their reputation for lukewarmness, while M'Dougall was visited by crowds, and celebrated as a martyr.

The seventeen months during which the British troops had been stationed in Boston, even the agreement of the commanding officer to use only a single drum and fife on Sundays, had by no means reconciled the townspeople to their presence. A weekly paper, the "Journal of the Times," was filled with all sorts of stories, some true, but the greater part false or exaggerated, on purpose to keep up prejudice against the soldiers. A mob of men and boys, encouraged by the sympathy of the

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mass of the inhabitants, made it a constant practice to insult and provoke them. The result to be expected soon followed. After numerous fights with straggling soldiers, a serious collision at length took place. A picket guard of eight men, provoked beyond endurance by words and blows, fired into a crowd, killed three persons, and dangerously wounded five others. The bells were rung; a cry spread through the town—"the soldiers are rising." It was late at night; but the population poured into the streets; nor was it without difficulty that a general combat was prevented. The next morning, at an early hour, Faneuil Hall was filled with an excited and indignant assembly. At a town meeting, legally warned, held that afternoon in the old South Meeting-house, the largest building in the town, it was voted "that nothing could be expected to restore peace, and prevent blood and carnage, but the immediate removal of the troops." A committee was appointed, with Samuel Adams as chairman, to carry this vote to the lieutenant governor and council. Adams entered the council chamber at the head of his committee, and delivered his message. Colonel Dalrymple, the commander of the troops, was present, as was the commander of the ships of war in the harbor. Hutchinson disclaimed any authority over the soldiers. Adams answered by a reference to that clause in the charter which declared the governor, or, in his absence, the lieutenant governor, commander-in-chief of all the military and naval forces in the province. After a consultation with Dalrymple, Hutchinson replied that the colonel was willing to remove one of the regiments to the castle, if that would satisfy the people. "Sir," said Adams, "if the lieutenant governor, or Colonel Dalrymple, or both together, have authority to remove one regiment, they have authority to re-

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move two; and nothing short of the departure of both regiments will satisfy the public mind, or preserve the peace of the province." The town meeting, after the return of their committee, voted the lieutenant governor's offer unsatisfactory. Hutchinson and Dalrymple seem to have been mutually anxious to shift upon each other the responsibility of yielding to the popular demand. Finally, upon the unanimous advice of the council, it was agreed that all the troops should be removed, the colonel pledging his honor that mean while not a single soldier should be seen in the streets after dark. The funeral of the slain, attended by a vast concourse of people, was celebrated with all possible pomp. The story of the "Boston Massacre," for so it was called, exaggerated into a ferocious and unprovoked assault by brutal soldiers on a defenseless people, produced every where intense excitement. The officer and soldiers of the picket guard were indicted and tried for murder. They were defended, however, by John Adams and Josiah Quincy, two young lawyers, among the most zealous of the popular leaders; and so clear a case was made out in their behalf, that they were all acquitted except two, who were found guilty of manslaughter, and slightly punished.

The British cabinet meanwhile had undergone great changes. Townshend was dead; the Chatham influence was quite extinct; "the king's friends" were predominant, and Frederic North, eldest son of the Earl of Guilford, by courtesy Lord North, had risen, as the leader of that section, to the head of the ministry. As it happened, on the very day of the Boston massacre Lord North brought forward the promised motion to repeal the whole of Townshend's act except the duty on tea. That act, he observed, had been the occasion of most dangerous, vio-

lent, and illegal combinations in America against the importation and use of British manufactures. The British merchants had petitioned against it. As to articles of British produce, ever to have taxed them was indeed an absurd violation of established policy. The tax on tea stood on a different ground. When that tax was imposed, a drawback had been allowed on the exportation of tea to America; and as the colonists were thus relieved of a duty amounting, on an average, to a shilling a pound, they had no right to complain of a tax of threepence, since they gained, in fact, ninepence the pound by the change. He could have wished to repeal the whole act, could that have been done without giving up the right of taxing the colonies—a right he would contend for to the last hour of his life. The proposed repeal, without any relaxation of authority, was intended as a persuasive to bring the colonists back to their duty. The existing combinations in the colonies against the use of British manufactures, he thought, would soon come to an end.

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Pownall moved to include tea in the repeal, supporting this amendment rather on grounds of expediency and commercial policy than as a matter of colonial right. He was seconded by Conway and Barre. Grenville declared that when he laid the stamp tax, he had the best information that it would be submitted to. In laying that tax he had acted systematically, to make every portion of the king's dominions bear a part of the public burdens. When that act raised troubles in America, the ministers who succeeded him acted systematically too. Theirs, perhaps, was the next best system to his own. They took the Americans by the hand, and restored things to the state they were in before the passing of the Stamp Act. In this statement, however, Grenville over-

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looked the Sugar Act, which the Rockingham ministry had left in full force; but that he probably regarded as

1770. a mere modification of the old Molasses Act, though essentially different from it in principle, involving the claim of parliamentary taxation hardly less than the Stamp Act itself. "Since that time," said Grenville, "no minister had acted with common sense. The next ministry laid a tax diametrically repugnant to commercial principles, bringing in no money, and throwing North America into ten times greater flame than before." He was in favor of easing the Americans; but the ministers had no plan. The partial repeal which they proposed would do no good; and the proposed amendment was so very little better, that he did not think it worth while to force it upon a reluctant ministry. He, therefore, should not vote upon the question. The amendment was defeated, two hundred and four to one hundred and forty-two; and, on a subsequent day, Lord North's bill

April. of repeal became law. The obnoxious Quartering Act, limited by its terms to three years, was suffered silently to expire. But the Sugar Act, and especially the tax on tea, as they involved the whole principle of parliamentary taxation, were quite sufficient to keep up the discontent of the colonies.

Lord North's act, in one respect, accomplished its object, in furnishing an excuse for abandoning the non-importation and non-consumption agreements, which soon became limited to the article of tea. Those agreements, though only partially observed, and that not without great jealousies and heart-burnings, were not, however, without permanent consequences. The discontinuance of that pomp of mourning and funeral expenses, for excess in which the colonists had been hitherto distinguished, takes its date from this occasion. The infant

manufactures of America received, too, from these agreements, a strong impulse. Home-made became all the fashion. The graduating class at Cambridge took their degrees this year in homespun suits. CHAPTER XXIX 1770.

The trade between Great Britain and the colonies is stated for the year 1770 as follows, and the average of the last ten years, allowing for a moderate increase, had not been materially different:

Exports to Great Britain.

New England	£148,011	$657,168
New York	69,882	310,276
Pennsylvania	28,109	124,803
Virginia and Maryland	435,094	1,931,801
Carolinas	278,097	1,234,750
Georgia	55,532	234,352
	£1,014,725	$4,493,150

Imports from Great Britain.

New England	£394,451	$1,751,362
New York	475,991	2,113,400
Pennsylvania	134,881	599,093
Virginia and Maryland	717,782	3,186,952
Carolinas	146,272	649,446
Georgia	56,193	249,496
	£1,925,570	$8,549,749

The surplus of imports was paid for by the profits of the trade with Spain, Portugal, and the West Indies.

A brutal assault by a commissioner of the customs, whom he met in a tavern, in which James Otis had been almost killed, and from the effects of which he never fully recovered, deprived Massachusetts of his services; but his place in the House of Representatives was ably supplied by John Adams, a young lawyer who had made himself known about the time of the Stamp Act by an essay "On Canon and Feudal Law," in which he had taken strong ground in favor of popular rights. He had since become a leading member of that select "caucus,"

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or secret committee of popular leaders in Boston, who regulated at their private meetings the policy to be adopted by the General Court. Joseph Warren, a young physician, Josiah Quincy, the colleague of Adams in the defense of the British soldiers, and Dr. Benjamin Church, were active members of this same "caucus."

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May 31. Hutchinson having seen fit to assemble the General Court at Cambridge, the representatives insisted that, by the terms of the charter, the court could only be held in Boston, thus reviving a claim first put forward in the time of Governor Burnet. Two sessions were consumed in this dispute. When at length the court, under protest, consented to proceed to business, after a day of solemn humiliation and prayer, they made a bitter complaint against the lieutenant governor for having withdrawn the company in provincial pay, which hitherto had held the castle in Boston harbor, and given up the custody of that fortress to the regulars. They complained, also, of the unusual number of ships of war assembled in the harbor; all which they charged to have been occasioned by the false representations given by the governor of the state of the province. Dennis de Berdt, the late agent, being dead, Dr. Franklin was chosen in his place. He was agent already for New Jersey and Georgia, as well as Pennsylvania. At an adjourned session, Hutchinson gave notice of his appointment as governor. When the new court met, a new dispute arose on the question of taxing the salaries of crown officers, in consequence of which the court was prorogued without having made any provision for the public expenses.

Oct.

1771.

April.

May 25.

1772. The next year Hutchinson informed the House that, as his salary thenceforth would be paid by the crown, no appropriation would be required for that purpose. But instead of regarding this change as a favor, the House

denounced it as a violation of the charter—no better, in fact, than a standing bribe from the crown to the governor. The salary allowed by the crown was $6666. 1772.

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After the court had adjourned, the people of Boston took up the matter. A town meeting was held, at which Oct. 28. a large committee of the most active popular leaders was appointed to state the rights of the colonists, especially those of Massachusetts, "as men, as Christians, and as British subjects;" to communicate and publish the same to the several towns of the province and to the world, with the infringements and violations from time to time made, and to request of each town a communication of their sentiments on the subject.

The Gaspe, an armed schooner in the revenue service, had given great and often unnecessary annoyance to the shipping employed in Narraganset Bay. A plan, in consequence, had been formed for her destruction. Enticed into shoal water by a schooner, to which she had been induced to give chase, she grounded, and was boarded June 10 and burned by a party from Providence. In consequence of this daring outrage, an act of Parliament had passed for sending to England for trial all persons concerned in the colonies in burning or destroying his majesty's ships, dock-yards, or military stores. A reward of £600 sterling, and a free pardon to any accomplice, was offered for the discovery of the destroyers of the Gaspe; and a board was constituted to examine into the matter, composed of the governor of Rhode Island, the chief justices of Massachusetts, New York, and New Jersey, and the judge of the Admiralty for the Northern District. But, though the perpetrators were well known, no legal evidence could be obtained against them.

The Boston committee included in their list of grievances, besides the recent attempts to tax the colonies, so

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much of the above act as provided for sending persons to England for trial; also the restraints imposed upon co-
1772. lonial manufactures, more especially of wool and iron; and the scheme, likewise, said to have been in agitation for some years past, to establish bishops in America, with exclusive ecclesiastical jurisdiction. This report, touching thus upon new matters, and containing the boldest and most comprehensive exposition as yet set forth of colonial rights and grievances, was prefaced by an address, and sent to the various towns, many of which, including the principal towns in the province, expressed their approbation of it, and appointed committees of correspondence to maintain the principles thus avowed. Franklin caused this address and report to be republished in London, with a preface of his own.

1773. In his opening speech at the next session Hutchinson
Jan. complained of the Boston address and report as subversive of the Constitution, amounting substantially to a denial of the supreme authority of Parliament. Both the council and the House, in separate answers, maintained the doctrines of the address and report; and these answers, with that document appended, were transmitted
Feb. to the Virginia Assembly, then in session.

Stimulated by the zeal of Henry, Jefferson, and Richard Henry Lee, the burgesses, on the reception of these
March. documents, appointed a committee to obtain the most clear and authentic intelligence of all such acts of the Parliament or ministry as might affect the rights of the colonies, and the same committee was authorized to open a correspondence and communication with the other colonies. Lord Dunmore, recently removed from New York to Virginia as Boutetourt's successor, cut short these proceedings by dissolving the Assembly. The committee appointed by it met, however, the next day, and dis-

patched a circular letter to the speakers of the popular branch of the several colonial Assemblies. The General Court of Massachusetts responded by appointing a committee of fifteen, and instructing them to urge the other colonies to make similar appointments. New Hampshire, Rhode Island, Connecticut, Pennsylvania, and Maryland presently did so—first steps toward the political union of the colonies. CHAPTER XXIX. 1773. May 26.

Some original letters, written by Hutchinson to a member of Parliament, since deceased, giving an unfavorable character of the principal popular leaders in the colony, and indicating the necessity for an abridgment of "what are called English liberties," had come into the hands of Franklin, by what precise means is still unknown, and he had transmitted them to Boston, with an injunction that they should neither be printed nor copied. After being privately handed about for some months, they were laid before the House in secret session, and being finally made public, occasioned a new and still more violent outcry against the governor, and an address from the General Court to the king for his speedy removal. June 9.

While these ardent discussions on the subject of colonial and natural rights were going on in Massachusetts, some reflecting persons had been struck with "the inconsistency of contending for our own liberty, and, at the same time, depriving other people of theirs." A controversy arose as to the justice and legality of negro slavery, in which Nathaniel Appleton and James Swan, merchants of Boston, distinguished themselves as writers on the side of liberty. Those on the other side generally concealed their names, but their arguments did not go long without answer. This controversy began about the year 1766, and was renewed at several times till 1773, when

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it was very warmly agitated, and even became a subject of forensic disputation at the college. In 1767 and afterward, attempts were made in the General Court to restrict the further importation of negroes; but neither Bernard nor Hutchinson favored that course of policy. It was even questioned whether, under the laws of Massachusetts, any person could be held as a slave. This point was carried before the Superior Court in a suit by a negro to recover wages from his alleged master. "The negroes," says Belknap, to whom we are indebted for our knowledge of this matter, "collected money among themselves to carry on the suit, and it terminated favorably. Other suits were instituted between that time and the Revolution, and the juries invariably gave their verdict in favor of freedom." "The pleas on the part of the masters were, that the negroes were purchased in open market, and bills of sale were produced in evidence; that the laws of the province recognized slavery as existing in it, by declaring that no person should manumit his slave without giving bond for his maintenance, &c. On the part of the blacks, it was pleaded that the royal charter expressly declared all persons born or residing in the province to be as free as the king's subjects in Great Britain; that, by the law of England, no subject could be deprived of his liberty but by the judgment of his peers; that the laws of the province respecting an evil, and attempting to mitigate or regulate it, did not authorize it; and on some occasions the plea was, that though the slavery of the parents were admitted, yet no disability of that kind could descend to the children." This latter view was amply sustained by a passage in Otis's "Rights of the Colonies," in which it was laid down as a fundamental proposition, "that the colonists, black and white. born here, are free-born British sub-

jects, and entitled to all the essential rights of such." CHAPTER XXIX.
These trials, though the negroes were too ignorant and
helpless to take full advantage of them, were the first 1773.
step toward the abolition of slavery in Massachusetts.

The same view taken by the Massachusetts juries was simultaneously sanctioned in England by a solemn decision of the Court of King's Bench. James Somersett, an African by birth, carried to Virginia as a slave, and purchased there by James Stewart, had been brought from Virginia to England, where he refused to serve any longer, in consequence of which Stewart seized him, and put him on board a vessel to be shipped to Jamaica. Being brought before Lord Mansfield on a writ of habeas 1771.
corpus, his case was referred to the full court. Three Dec.
learned counsel, retained and instructed by the indefatigable Granville Sharpe, argued for the negro. Two of the most eminent lawyers of the day appeared for the owner.

After the argument, Lord Mansfield said, "In five or 1772.
six cases of this nature, I have known it accommodated by agreement between the parties. On its first coming before me I strongly recommended it here. But if the parties will have it decided, we must give our opinion. Compassion will not on the one hand, nor inconvenience on the other, be to decide, but the law." "The now question is, whether any dominion, authority, or coercion can be exercised in this country on a slave according to the American laws. The difficulty of adopting the relation, without adopting it in all its consequences, is indeed extreme; yet many of those consequences are absolutely contrary to the municipal law of England. On the other hand, should we think the coercive power can not be exercised, it is now about fifty years since the opinion" to the contrary "by two of the greatest men of their own

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or any time." This referred to the opinion of Yorke and Talbot, subsequently recognized as law by Lord Hardwicke, sitting as chancellor, an account of which may be found in a previous chapter. "The setting fourteen or fifteen thousand men"—the estimated number of negro slaves in England—"at once loose by a solemn opinion, is very disagreeable in the effects it threatens." But, "if the parties will have judgment, *fiat justitia ruat cælum*, let justice be done, whatever be the consequence. Fifty pounds may not be a high price; then a loss follows to the proprietors of above £700,000 sterling. How would the law stand in respect to their settlement —their wages? How many actions for any slight coercion by the master? We can not in any of these points direct the law, the law must direct us."

June 22. Afterward, in giving judgment, Lord Mansfield said, "The only question before us is whether the cause on the return is sufficient. If it is, the negro must be remanded; if it is not, he must be discharged. The return states that the slave departed, and refused to serve, whereupon he was kept to be sold abroad. So high an act of dominion must be recognized by the law of the country where it is used. The power of a master over his slave has been exceedingly different in different countries. The state of slavery is of such a nature that it is incapable of being introduced on any reasons moral or political, but only by positive law, which preserves its force long after the reasons, occasions, and time itself from whence it was created is erased from memory. It is so odious that nothing can be suffered to support it but positive law. Whatever inconveniences, therefore, may follow from the decision, I can not say this case is allowed or approved by the law of England, and therefore the black must be discharged." Though this famous

decision is limited in its terms to England, its bearing on the colonies is sufficiently obvious. All the colonial Assemblies were specially restricted, either by charter, or the royal commissions under which they met and legislated, to the enactment of laws "not repugnant" to those of England. How, then, were those Assemblies competent to legalize a condition, many of the consequences of which are pronounced by Lord Mansfield "absolutely contrary" to English law?

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Since the termination of the Cherokee war the upper districts of South Carolina had filled very rapidly with inhabitants, partly emigrants from the more northern colonies, and partly foreigners, Irish, Scotch, and Germans, whose immigration was promoted, as has been mentioned already, by a provincial bounty. Among these settlers were many persons of loose principles, and the more thriving inhabitants complained loudly of depredations committed on their property, which it was by no means easy to punish in a legal way, for as yet there were no courts held out of Charleston. Under the name of "Regulators," many of the most respectable inhabitants associated themselves for the summary punishment of offenders, especially horse thieves. A portion of the inhabitants, especially those most exposed to the visitations of the Regulators, protested against this assumption of authority. They claimed the right of trial by jury, and on this subject the people became divided into two hostile parties. Lord Montague, having assumed office as governor, commissioned one Scovil to investigate the matter, and he arrested some of the Regulators and sent them to Charleston. The quarrel reached such a height that the two parties were near appealing to arms. Pacified at length by the establishment of district courts, which had been delayed by disputes as to

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their constitution between the Assembly and the governor, the South Carolina Regulators were content thence-
1773. forward with legal prosecutions. But the ill feeling excited between them and the Scovilites, as they called their opponents, continued to rankle. On the question whether the rights of the colony had been infringed by Parliament, the Scovilites inclined to the government side. They began to be stigmatized as Tories, while the late Regulators assumed the name of Whigs.

A domestic controversy in Maryland showed the inhabitants of that province awake to the new question of colonial rights. Loud complaints having been made of extortionate fees, the lower House of Assembly passed a bill for their regulation; but this bill was defeated in the council, where several officials had seats. Governor
1769. Sharpe had lately been succeeded by Robert Eden, a brother-in-law of the proprietary, and the regulation of fees by the Assembly having failed, he undertook to reg-
1770. ulate them by his authority as governor. This "setting
Nov. the fees by proclamation" made a great stir in the province. Fees, it was said, were in their nature taxes, and this proclamation was denounced as an attempt to impose taxes without the authority of the Assembly. It was defended in the newspapers by Dulany, secretary of the province, who had gained considerable reputation by his essays at the time of the Stamp Act against the right of the mother country to tax the colonies. To this defense a reply was made by Charles Carroll, a young Catholic, the wealthiest proprietor in the province. Carroll, after an education in France, had read law in London. His reply, in the estimation of the colonists, was triumphant; but the governor would not yield, and the controversy was kept up for several years.

Frederic Calvert, fifth Lord Baltimore, a man of

some accomplishments but of dissolute habits, dying without lawful issue, the peerage expired with him. The province of Maryland he bequeathed to a natural son, Henry Harford, then a boy at school. Eden continued to administer the province in this boy's behalf; but the will of Lord Baltimore could not transfer the loyalty and favor of the colonists, much diminished, indeed, of late years by disputes as to the extent of proprietary rights, and destined to a speedy and total extinction. 1771.

Complaints of official extortion were not confined to Maryland. Outcries in New Jersey against lawyers and sheriffs led, in some cases, to acts of violence. But the matter was carried to the greatest extent in North Carolina, in which province Dobbs had been succeeded as governor by William Tryon. Complaints were most rife in the middle counties, a very barren portion of the province, with a population generally poor and ignorant. These people complained, and not without reason—for the poor and ignorant are ever most exposed to oppression—not only that excessive fees were extorted, but that the sheriffs collected taxes of which they rendered no account. They seem also to have held the courts and lawyers—indeed, the whole system for the collection of debts, in great detestation. Presently, under the name of "Regulators," borrowed from South Carolina, they formed associations which not only refused the payment of taxes, but assaulted the persons and property of lawyers, judges, sheriffs, and other obnoxious individuals, and even proceeded so far as to break up the sessions of the courts. The common name of Regulators designated, in the two Carolinas, combinations composed of different materials, and having different objects in view. The Assembly of the province took decided ground against them, and even expelled one of their leaders, who had been 1766

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elected a member. After negotiations and delays, and broken promises to keep the peace, Governor Tryon, at the head of a body of volunteers, marched into the disaffected counties. The Regulators assembled in arms,

May 16. and an action was fought at Alamance, on the Haw, near the head waters of Cape Fear River, in which some two hundred were left dead upon the field. Out of a large number taken prisoners, six were executed for high treason. Though the Regulators submitted, they continued to entertain a deadly hatred against the militia of the lower counties, which had taken part against them. Tryon was presently removed from North Carolina to New York. His successor, Josiah Martin, anxious to strengthen himself against the growing discontents of the province, promised to redress the grievances, and sedulously cultivated the good will of the Regulators, and with such success that they became, in the end, stanch supporters of the royal authority.

Shortly after Martin's accession, the act of Assembly under which the provincial courts were organized expired by its own limitation. The House and council differed as to complying with directions from England to insert into the new act certain provisions on the subject of foreign attachment, and this difference was carried so far that North Carolina remained for a twelvemonth without any courts at all.

After holding office for eight years, John Penn gave up the deputy governorship of Pennsylvania to his brother Richard, who acquired a high degree of popularity among the merchants of Philadelphia. But, after the death of their father, by which event John Penn became proprietary to the extent of one fourth of the province, he again resumed office as governor. The Assembly of Delaware passed an act prohibiting the further intro-

duction of slaves, but it received the veto of Governor Penn. Old disputes in Pennsylvania had been superseded, in a great measure, by the new questions as to parliamentary power; but the proprietaries had meanwhile become involved in an embarrassing territorial controversy with Connecticut. The Susquehanna Company, of which the origin and objects have been explained in a preceding chapter, had resumed, since the peace, their plans of settlement, and had sent a colony to occupy the Valley of Wyoming, on the Upper Susquehanna. The proprietaries of Pennsylvania having made grants of the same land, the settlers under those grants came into violent collision with the Connecticut immigrants. The Pennsylvania proprietors complained to Jonathan Trumbull, just chosen governor of Connecticut, which office he held for the next fifteen years; but Trumbull disclaimed any responsibility for the acts of the emigrants. A struggle ensued, not without bloodshed, in which fortune several times changed sides. The claimants under the Susquehanna Company kept possession, however, and lived for two years under a government of their own, when the influence of the Susquehanna Company prevailed with Connecticut to assume jurisdiction, Wyoming being claimed as within her territory, which extended, by her charter, west to the Pacific. The Wyoming settlement, incorporated by the Connecticut Assembly as the town of *Westmoreland*, was annexed to Litchfield county. The Pennsylvania Assembly constituted the same region as the county of *Northumberland*. The dispute was carried before the king in council, but the decision was delayed; and Governor Penn presently made new but unavailing efforts to expel the Connecticut settlers by force.

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The jurisdiction of Pennsylvania was also disputed on

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her western frontier. Pittsburg and the whole district west of the Laurel Mountains was claimed by Virginia as within her limits. One Dr. Conolly, who appeared there with a commission from Lord Dunmore, was arrested by St. Clair, clerk of Westmoreland county under the Pennsylvania authority; but he soon regained his liberty, and induced the greater part of the inhabitants to side with him. Conolly was a native of Pennsylvania; St. Clair was a Scotchman, a subaltern officer in the British army during the late war, but since the peace a backwoodsman of Pennsylvania.

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The long-pending boundary dispute between New York and New Jersey was settled at last by a joint Board of Commissioners. Lord Dunmore, appointed governor of New York, but promoted within six months to Virginia, was succeeded by Tryon, of North Carolina. A Board of Commissioners presently met at Hartford for the settlement of the New York and Massachusetts boundary. Governors Tryon and Hutchinson were present; and the line, as it now runs, was agreed to. But the growing troubles with the mother country, by delaying the royal confirmation, prevented this settlement from becoming final. By the caution of Hutchinson, it did not touch the right of Massachusetts to the tract west of the Delaware, nor even her claim to include within her limits the southern part of Vermont. By a census taken in 1771, the population of New York was 168,007, including 19,833 blacks; that of the city was 21,363.

1769. 1770. 1771. 1773.

1772. The settlements west of Schenectady had been lately erected into the new county of *Tryon*, and both shores of Lake Champlain into that of *Charlotte*. Subsequently to the order in council confirming the claim of New York to the territory west of the Connecticut and north of Massachusetts, the southwestern townships of that

newly-settled region had been annexed to the county of Albany, and the rest of the territory erected into two new counties. The inhabitants would have submitted quietly enough to this claim of jurisdiction had the validity of the land grants made by Wentworth been admitted. But the New York officials, anxious to reap their crop of fees, insisted that new grants must be taken out. The fees demanded by Wentworth for granting a township had amounted to about $100, with a reservation to himself of five hundred acres of land; the fees asked by the governor of New York exceeded $2000 for each township. Some of the settlers submitted, and took out new patents; but the greater part refusing, grants of their lands were then issued to any body who would pay the fees; and a set of land speculators being thus enlisted in the quarrel, ejectment suits were brought in the courts at Albany. Judgments for the New York claimants were readily obtained; but it was not easy to enforce them. The settlers combined for mutual protection, and resisted the sheriffs. They sent a deputation to England with complaints; and an order was obtained against the issue of any further grants. But this order was disregarded; and the dispute, day by day, grew more and more violent. The chief leaders in this resistance were Ethan Allen and Seth Warner, emigrants from Connecticut. After Tryon assumed the government of New York, he attempted an arrangement with these "Green Mountain Boys," as they began to be called. But this accommodation not succeeding, Tryon sailed for England to lay the matter before the ministers.

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On the east as well as on the west side of the Connecticut, the country was rapidly filling with emigrants. New Hampshire was now first divided into five counties, *Rockingham*, *Hillsborough*, *Cheshire*, *Strafford*,

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and *Grafton*, so named after as many English noblemen whom Wentworth desired to compliment.

1771. Since the peace with the Indians on the western frontier, various projects had been started for settle-
1768. ments beyond the mountains. In a treaty held at Fort
Nov. 5. Stanwix, the Six Nations, in consideration of the payment of £10,460, had ceded to the crown all the country south of the Ohio as far as the Cherokee or Tennessee River. So much of this region as lay south of the Great Kenhawa was claimed, however, by the Cherokees as a part of their hunting-grounds. The banks of the Kenhawa, or New River, flowing north into the Ohio, across the foot of the great central Allegany Ridge, already began to be occupied by individual settlers. Application was soon made to the British government by a company —of which Franklin, Sir William Johnson, Walpole, a wealthy London banker, and others, were members—for that part of this newly-ceded territory north of the Kenhawa, and thence to the Upper Ohio. They offered to refund the whole amount paid to the Indians, and proposed to establish on the ceded lands a new and separate colony. This grant, though opposed by Lord Hillsborough, was
1772. finally agreed to by the ministry; but the increasing troubles between the colonies and the mother country prevented its final completion. Other grants solicited and conceded north of the Ohio were defeated by the same cause. Such was the origin of the Walpole or Ohio Company, the Vandalia Company, the Indiana Company—founded on a cession said to have been made to certain traders at the treaty of Fort Stanwix—and other land companies, not without a marked influence on the politics of a future period. Even the distant regions on the
1773. shores of Lake Superior attracted the attention of some adventurous speculators, by whom attempts were made to

work the mines; but the expenses attendant upon so remote an undertaking caused it to be speedily abandoned. CHAPTER XXIX.

The first settlement within the limits of the present State of TENNESSEE was made by emigrants from North Carolina, under the leadership of James Robertson, who settled on the Wataga, one of the head streams of the Tennessee River, on lands of the Cherokees, from whom, however, these settlers presently obtained an eight years' lease. As in the early settlements of New England, these emigrants organized themselves into a body politic. A code of laws was assented to, and signed by each individual of the colony. Others who joined them soon extended the settlement down the Valley of the Houlston, and, crossing the intervening ridges, occupied the banks of the Nolichucky and Clinch Rivers, while others yet passed into Powell's Valley, the southwestern corner of the present State of Virginia. 1768. 1771.

John Finley, an Indian trader, returning to North Carolina from the still more distant regions beyond the westernmost mountains, brought back glowing accounts of that fertile country. He persuaded Daniel Boone, a native of Maryland, and four other settlers on the Yadkin, to go with him to explore it. Having reached the head waters of the Kentucky, these adventurers saw from the hills fertile plains stretching toward the Ohio, covered with magnificent forests, ranged over by numerous herds of buffalo, and abounding with other game. They had several encounters with Indians. Boone was taken prisoner. One of his companions was killed, and the others hastily returned to the settlements. There were no resident Indian inhabitants in Kentucky, but the Northern and the Southern Indians made it their common hunting-ground, and often, also, their field of battle. Having escaped from his captors, Boone was presently 1769 May.

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joined by his brother, who had come out to seek him; but, during that brother's absence eastward to obtain a supply of ammunition, this famous hunter remained for more than three months sole tenant of the wilderness. Having explored the country between the Upper Kentucky and the Tennessee, known then as the Cherokee River, Boone determined to settle in that beautiful region, and returned for his wife and children. Two years elapsed before he could sell his farm on the Yadkin, and make the necessary arrangements for removal. He started at last with his own and five other families, joined as they passed through Powell's Valley by forty men of that infant settlement. A band of hunters from that and the neighboring valleys had been lately employed in further explorations of the new Western Paradise. Having crossed the last ridge of the mountains, Boone's party were approaching the Cumberland River, when their advance was stopped short by an attack from the Indians. Several of the party were killed; their cattle were dispersed, and they deemed it prudent to retire to the settlements on the Clinch, where they were detained for a year and a half by the war which presently broke out between the back settlers of Virginia and the Indians on the Ohio.

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While these explorations were made toward the West, the colony of Georgia obtained a large addition to its territory in an extensive cession by the Creeks and Cherokees of lands to be sold to settlers, and the proceeds applied to the payment of debts due to the Indian traders. Governor Wright's adroit management of this affair obtained for him the honor of knighthood.

In Rhode Island a very bitter party contest had sprung up, grounded upon merely local considerations, between the partisans of Hopkins and those who supported Sam-

uel Ward for governor. Ward had been chosen over Hopkins in 1762, and again in 1765 and 1766. Hopkins, re-elected in 1767, proposed to calm the contest by withdrawing in future from the canvass. The next year Josiah Lindon was chosen governor, followed in 1769 by Joseph Wanton, both of whom had been, in a good measure, unconnected with the late party struggles. Wanton held the office for the next six years. 1764–1773.

The college of Rhode Island, now known as Brown University, originally established at Warren, was presently removed to Providence. The trustees were to be of four different sects of the principal denominations in the colony, Baptists, Quakers, Episcopalians, and Congregationalists; but the Baptists were to have a majority. The new discussions about national and political rights excited the Baptists in Massachusetts to complain anew of the legal subordination in which they were held, and in Isaac Backus, author of a valuable history of New England, they found an able leader. Out of Rhode Island, the New England Baptists were few and inconsiderable; in all the South, where they are now so numerous, they numbered hardly a hundred congregations. 1770–1770.

A second college in New Jersey, then called Queen's, since known as Rutgers' College, was established in the interest of the Dutch Reformed Church. By a grant of forty-four thousand acres of land, Wheelock, of Lebanon, in Connecticut, was induced to remove his Indian missionary school to Hanover, in New Hampshire, and a college was presently added to it, for which Wentworth granted a charter. Sampson Occum, an Indian preacher, a pupil of Wheelock's, was sent to England to collect 1770 1771.
funds. The Earl of Dartmouth, president of the Board of Trade, and Hillsborough's successor as secretary for the colonies, acted as one of the trustees of these collec-

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tions, and after him the college was named. This made up the number of nine colleges of which the colonies boasted at the time of the Revolution, three of them controlled by Episcopalians, three by Congregationalists, and one each by Presbyterians, by the Dutch Reformed Church, and by the Baptists.

During the thirty years since the "Great Revival," public attention had been much occupied by war and politics. The minds of the colonists had been a good deal liberalized, and Latitudinarian ideas had continued to spread. In spite of these obstacles, the religious system of the revivalists, upheld by zealous and eloquent adherents, had made decided progress. Whitefield, after repeated visits to America, died there in 1770. The year before, his co-apostle, Wesley, had sent two disciples to plant the new Wesleyan Church in America. But the loyal principles of the Wesleyans did not suit the temper of the times, and that sect, now so numerous, made hardly any progress till the revolutionary struggle was over.

Shortly after the arrival of these first Wesleyan missionaries, there came from England Mother Anne Lee, foundress of the Shakers, a singular sect, holding to celibacy and community of goods, several of whose convent-like establishments are still in existence. This female apostle settled near Albany. Her early converts, as has been the case with most other enthusiastic sects in America, were principally from among the Baptists.

John Murray, a principal founder of the American sect of Universalists, arrived in the country about the same time. An Englishman by birth, he had been a Methodist preacher, connected at first with Wesley, and afterward with Whitefield, but finally had adopted the doctrine of the ultimate salvation of all men, whence the

name of the sect to which he belonged. Since Christ died for sinners, his death, Murray thought, could not but be atonement enough for the whole of them. Elnathan Winchester, a native of Massachusetts, an uneducated but strong-minded man, originally a Baptist, became presently another itinerant apostle of this same doctrine, which several years after received a strong support in the adhesion of the aged Chauncy, one of the most learned and able of the Congregational ministers. Another distinguished divine of those times was Samuel Hopkins, founder of the sect of "Hopkinsians," a descendant of Governor Hopkins, of Connecticut, a convert in the great revival of 1741, a pupil of Edwards, settled first in the western part of Massachusetts, and lately at Newport. Hopkins sought to add to the five points of Calvinism the rather heterogeneous ingredient that holiness consists in pure, disinterested benevolence, and that all regard for self is necessarily sinful. The disposition to embrace this doctrine, as well as the spread of the Universalist opinions, though few at first dared to avow them, evinced, at length, a certain softening of the rugged New England heart. But the armed contest with the mother country, which soon engrossed the public mind, the strong passions which revolution and war of necessity arouse, operated as a sudden and severe check to the intellectual development of the people, or, rather, turned that development almost exclusively into military and political channels. Of statesmen and soldiers, men great in action, we shall presently find enough. Thinkers are the product of quieter times.

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Hildreth, Richard

The history of the United States of America (From the discovery of the continent to the organization of government under the federal constitution, 1497 - 1789.) (In 3 vol.)
Bd.: 2

New York 1863

Am.b. 5056 p-2
urn:nbn:de:bvb:12-bsb10254148-2